



CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

OFFICIAL HANSARD REPORT

2000 SESSION ELECTRONIC VERSION

(18 February — 18 September 2000)

Hon. Mabry S. Kirkconnell, MBE, JP, Speaker

Second Elected Member for Cayman Brac and little Cayman

Disclaimer: The electronic version of the *Official Hansard Report* is for informational purposes only. The printed version remains the official record.

PLEASE NOTE: While every effort has been made to mirror the bound volume, the electronic version does not necessarily conform to the page numbers of the bound volume index. Therefore, before quoting from the electronic version users should first verify the page numbers in the printed version of the *Official Hansard Report*.

OFFICIAL MEMBERS AND MINISTERS OF THE LEGISLATIVE ASSEMBLY

Hon. Mabry S. Kirkconnell, MBE, JP, Speaker

Second Elected Member for the District of Cayman Brac and Little Cayman

Hon. James M. Ryan, MBE, JP

First Official Member responsible for Internal and External Affairs

Hon. David F. Ballantyne

Second Official Member responsible for Legal Administration

Hon. George A. McCarthy, OBE, JP

Third Official Member responsible for Finance and Economic Development

Hon. Truman M. Bodden, OBE, JP

Elected Minister responsible for Education, Aviation and Planning

Hon. Thomas C. Jefferson, OBE, JP

Elected Minister responsible for Tourism, Commerce, Transport and Works

Hon. John B. McLean, Sr., OBE, JP

Elected Minister responsible for Agriculture, Communications, Environment and Natural Resources

Hon. Anthony S. Eden, OBE, JP

Elected Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation

Hon. Julianna Y. O'Connor-Connolly, JP

Elected Minister responsible for Community Affairs, Sports, Women, Youth and Culture

ELECTED MEMBERS OF THE LEGISLATIVE ASSEMBLY

Mr. W. McKeeva Bush, OBE, JP

First Elected Member for the Electoral District of West Bay

Mr. John D. Jefferson, Jr.

Third Elected Member for the Electoral District of West Bay

Mr. D. Dalmain Ebanks, Cert. Hon.

Fourth Elected Member for the Electoral District of West Bay

Mr. D. Kurt Tibbetts, JP

First Elected Member for the Electoral District of George Town

Mr. Linford A. Pierson, JP

Third Elected Member for the Electoral District of George Town

Dr. Frank S. McField

Fourth Elected Member for the Electoral District of George Town

Miss Heather D. Bodden

Second Elected Member for the Electoral District of Bodden Town

Mr. Roy Bodden

Third Elected Member for the Electoral District of Bodden Town

Mrs. Edna M. Moyle, JP

Elected Member for the Electoral District of North Side

**OFFICIAL HANSARD REPORT
INDEX OF THE
2000 SESSION**

Abbreviations. *1r, 2r, 3r*, first, second, third reading; (A), Amendment; **BT**, Bodden Town; (C), Committee; **CAL**, Cayman Airways, Ltd.; **CDB**, Caribbean Development Bank; **CPA**, Central Planning Authority; **DOE**, Department of Environment; **DOT**, Department of Tourism; **EE**, East End; **GHHS**, George Hicks High School; **GM**, Government Motion; **GT**, George Town; **ICCI**, International College of the Cayman Islands; **JGHS**, John Gray High School; **NS**, North Side; **PMM**, Private Member's Motion; (**RBPS**) Red Bay Primary School; (**R**), Report; **SO**, Standing Order; **WB**, West Bay

Administration of Oaths or Affirmations

Bulgin, Hon. Samuel, 391, 443, 759, 781
Ebanks, Hon. Donovan, 353, 443, 591, 781
Roberts, Hon. Adam, 1, 591
Walton, Hon. Joel, 131, 591

Apologies for Absence/Lateness

Ballantyne, Hon. David, 101, 169, 203, 233, 335, 353, 373, 451, 453, 489, 557, 577, 591, 615, 655, 743, 759, 781, 879, 893, 931
Bodden, Hon Truman M., 233, 591
Bodden, Miss Heather, 335, 453, 469
Bush, Mr. W. McKeever, 373, 577
Ebanks, Mr. D. Dalmain, 87, 131, 147, 169, 203, 469, 513, 557, 591, 599, 655, 743, 781, 857, 879, 893, 931
Eden, Hon. Anthony S., 69, 101, 513
Jefferson, Hon. Thomas C., 31, 87, 233, 267, 469, 591, 707, 743, 893
Jefferson, Mr. John D. Jr., 131
Kirkconnell, Hon. Mabry S., Speaker, 203, 267, 297, 707
McCarthy, Hon. George A., 13, 31, 69, 101, 111, 181, 203, 233, 267, 335, 469, 489, 513, 537, 557, 577, 591, 655, 811, 879
McLean, Hon. John B., 203, 255, 655
O'Connor-Connolly, Hon. Julianna, 13, 31, 49, 111, 267, 317, 557, 615, 655, 857
Ryan, Hon. James, 101, 267, 453, 599, 655, 781, 811

Ballantyne, Hon. David F.,

Advisory issued by the United States Treasury (*Reply to matter raised under SO 11(6)*), 651
Criminal Procedure (A) (Abolition of the Death Penalty) Code, 2000, 951
Penal Code (A) (Abolition of the Death Penalty Bill, 2000, 951
Proceeds of Criminal Conduct (A) (Money Laundering Regulations) Bill, 2000, 689, 695
Statement on the select committee of the whole House on the Immigration Law 1992; the Local Companies (Control) Law (1995 R); and the Trade and Business Licensing Law (1996 R), 973

Bills:

Banks and Trust Companies (A) (Access to Information) Bill, 2000, 675 (1r), 688 (2r), 702 (C), 705 (R), 705 (3r)
Building Societies (A) (Regulations by Monetary Authority) Bill, 2000, 939 (1r), 950 (2r), 959 (C), 962 (R), 963 (3r)
Companies Management (A) (Access to Information) Bill, 2000, 676 (1r), 688 (2r), 703 (C), 705 (R), 705 (3r)

Computer Misuse Bill, 2000, 676 (1r), 768 (2r), 773 (C), 776 (R), 777 (3r)
Co-operative Societies (A) (Credit Unions) Bill, 2000, 939 (1r), 949 (2r), 958 (C), 962 (R), 963 (3r)
Criminal Procedure (A) (Abolition of the Death Penalty) Code, 2000, 939 (1r), 951 (2r), 961 (C),
962 (R), 964 (3r)
Electronic Transactions Bill, 2000, 676 (1r), 753 (2r), 771 (C), 776 (R), 777 (3r)
Finance Bill, 2000, 437 (1r), 442 (2r), 447 (C), 448 (R), 448 (3r)
Immigration (A) Bill, 2000, 753 (1r), 769 (2r), 775 (C), 776 (R), 777 (3r)
Labour (A) Bill, 2000, 964 (1r), 965 (2r), 968 (C), 972 (R), 972 (3r)
Monetary Authority (A) (International Co-operation) Bill, 2000, 675 (1r), 676 (2r), 699 (C), 705
(R), 705 (3r),
Monetary Authority (A) (Regulation of Non-Bank Financial Institutions) Bill, 2000, 938 (1r), 946
(2r), 957 (C), 962 (R), 963 (3r)
Money Services Bill, 2000, 938 (1r), 947 (2r), 958 (C), 962 (R), 963 (3r)
Penal Code (A) (Abolition of the Death Penalty Bill, 2000, 939(1r), 950 (2r), 959 (C), 962 (R), 963
(3r)
Proceeds of Criminal Conduct (A) (Money Laundering Regulations) Bill, 2000, 676 (1r), 689 (2r),
703 (C), 705 (R), 706 (3r),
Public Service Pensions (A) and Validation) Bill, 2000, 437 (1r), 437 (2r), 444 (C), 448 (R), 448
(3r)
Trade and Business Licensing (A) Bill, 2000, 753 (1r), 770 (2r), 776 (C), 777 (R) 777 (3r)
Traffic (A) (Driving while intoxicated etc.) Bill, 2000, 938 (1r), 939 (2r), 952 (C), 961 (R), 962
(3r)

Bodden, Hon. Truman, M.,

1999 Annual Report of the Central Planning Authority and Development Control Board Cayman
Islands Government, 879
Advisory issued by the United States Treasury (*Reply to raising of matters (SO 12(2))*), 647
Amendment to the Development Plan 1997 (GM 1/00), 292, 293
Amendments to the Development Plan 1977 (GM 2/00), 778
Capt. E.L. Solomon's Subdivision off Eastern Avenue (PMM 25/00), 791
Cayman Airways Ltd Financial Statements 31 December 1998, 391
Computer Misuse Bill, 2000, 768
Concerns with the occurrence at Northward Prison (PMM 5/00), 300, 329
Debate on Throne Speech, 116, 133
Disruption of Flight Schedule of Cayman Airways Limited (*Reply to matter raised under SO 11(6)*),
207
Electronics Transaction Bill, 2000, 753, 768
Establishment of a Student Summer Employment Agency (PMM 21/00), 869
Financial Statements of the Community College of the Cayman Islands 31st December 1999 and
1998, 895
Government Scholarship Grants (*Reply to matter raised under SO 11(6)*), 509
Investigation into the Pedro St. James Construction Project Account (PMM 6/00), 346, 347, 366,
375
Motion to debate Auditor General's Report and the Public Accounts Committee's Report —SO
77(6) & (7)), 884, 885, 887-890
Public Education System (PMM 14/00), 532, 541, 612, 624, 664
Public Utilities Commission (PMM 20/00), 850
Reduced Cost of Mortgage Financing for Caymanian Owner-occupied Homes (PMM 1/00), 259
Revised Guidelines for the Award of Government Scholarships (PMM 22/00), 809, 820

Watersports Concessions at major hotels (PMM 8/00), 766
Wetlands (PMM 15/00), 494, 497, 498

Bodden, Miss Heather D.,

Advisory issued by the United States Treasury (*Raising of matters SO 11(6)*), 651
Debate on the Throne Speech, 69
Establishment of a “Safe House” for battered women and children (PMM 10/00), 730, 763
Investigation into the Pedro St. James Construction Project Account (PMM 6/00), 393
Revised Guidelines for the Award of Government Scholarships (PMM 22/00), 824

Bodden, Mr. Roy,

20 percent tax on *Cayman Net News* (*Raising of matters SO 11(6)*), 486
Advisory issued by the United States Treasury (*Raising of matters SO 11(6)*), 642
Capt. E.L. Solomon’s Subdivision off Eastern Avenue (PMM 25/00), 789
Caymanian Compass Editorial re: length of time spent in Chamber by MLAs, 181
Concerns with the occurrence at Northward Prison (PMM 5/00), 297, 298, 303, 335
Conducting of business, 511
Conflict of Interest Legislation (PMM 13/00), 458, 461
Debate on Throne Speech, 13
Debates on issues in the draft 1992 Constitution (PMM 18/00), 800
Environment Study to determine the long term effects of aerial spraying and landfill leakage (PMM 12/00), 482, 485
Escaped Prisoner (*Raising of matters SO 11(6)*), 293
Establishment of a “Safe House” for battered women and children (PMM 10/00), 761
Establishment of a Student Summer Employment Agency (PMM 21/00), 864, 873
Exgratia Payment Beneficiaries (PMM 7/00), 721, 723
In-depth discussion on increased interest and electrical rates (PMM 11/00), 716
Investigation into the Pedro St. James Construction Project Account (PMM 6/00), 344, 347, 384
Investigation into the Practice of Health Insurance Providers (PMM 4/00), 282, 288
Monetary Authority (A) (International Co-operation) Bill, 2000, 679
Mortgage Assistance (PMM 24/00), 836, 838
Motion to debate Auditor General’s Report (and the Public Accounts Committee’s Report —SO 77(6) & (7)), 885, 887, 890
Public Access to North Sound and Seven Mile Beach (PMM 2/00), 278
Public Education System (PMM 14/00), 507, 524, 628
Public Utilities Commission (PMM 20/00), 843, 852
Reduced Cost of Mortgage Financing for Caymanian Owner-occupied Homes (PMM 1/00), 255
Revised Guidelines for the Award of Government Scholarships (PMM 22/00), 822
Rights for illegitimate children and parents of illegitimate children (PMM 16/00 - *withdrawn*), 506
Traffic (A) (Driving while intoxicated etc.) Bill, 2000, 942
Wetlands (PMM 15/00), 493, 498

Bush, Mr. W. McKeeva,

Advisory issued by the United States Treasury (*Raising of matters SO 11(6)*), 631, 652
Amendment to the Development Plan 1997 (GM 1/00), 293
Concerns with the Occurrence at Northward Prison (PMM 5/00), 297, 299, 332
Conducting of business, 511
Debate on the Throne Speech, 160, 169, 182
Establishment of a “Safe House” for battered women and children (PMM No. 10/00), 741

Establishment of a Student Summer Employment Agency (PMM 21/00), 870
Exgratia Payment Beneficiaries (PMM 7/00), 721, 725
Government Financial Assistance for Low Cost Housing (PMM 17/00), 834
Government scholarship grant, 510
Gross Domestic Product (PMM 23/00), 875, 877
In-depth discussion on increased interest and electrical rates (PMM 11/00), 714, 719
Investigation into the Pedro St. James Construction Project Account (PMM 6/00), 345, 359
Investigation into the Practice of Health Insurance Providers (PMM 4/00), 282, 291
Labour (A) Bill, 2000, 967
Mortgage Assistance (PMM 24/00), 836, 837, 840
Motion to debate Auditor General's Report (and the Public Accounts Committee's Report —SO 77(6) & (7)), 884, 887-890
Proceeds of Criminal Conduct (A) (Money Laundering Regulations) Bill, 2000, 694
Property in Goat Yard, Boatswain Bay (*Raising of matters SO 11(5) & (6)*), 973
Public Access to North Sound and Seven Mile Beach (PMM 2/00), 276, 279
Public Education System (PMM 14/00), 566
Purchase of Property (PMM 19/00), 794
Reduced Cost of Mortgage Financing for Caymanian Owner-occupied Homes (PMM 1/00), 261
Retirement pay for senior citizen employees (PMM 9/00), 728, 729
Revised Guidelines for the Award of Government Scholarships (PMM 22/00), 805, 808
Traffic (A) (Driving while intoxicated etc.) Bill, 2000, 941
Watersports Concessions at major hotels (PMM 8/00), 764, 766
Wetlands (PMM 15/00), 504

Commonwealth Day Message, 181

Debate on the Throne Speech

Bodden, Hon. Truman M, 116, 133
Bodden, Miss Heather, 69
Bodden, Mr. Roy, 13
Bush, Mr. W. McKeever, 160, 169, 182
Eden, Hon. Anthony, 147
Jefferson, Hon. Thomas C., 187, 203
Jefferson, Mr. John D., Jr., 32
McField, Dr. Frank, 49
McLean, Hon. John B., 242
Moyle, Mrs. Edna M. (*comments made from Chair re: needs of district of North Side*), 250
O'Connor-Connolly, Hon. Julianna, 212, 235
Pierson, Mr. Linford A, 94, 101, 111
Ryan, Hon. James M., 238
Tibbetts, Mr. D. Kurt, 73, 87

Deputy Speaker in the Chair, 170-449; 562-568; 707-712

Divisions

1/00—(A) to PMM 5/00, 303
2/00—(A) to PMM 6/00, 349
3/00—First Resolve section of PMM 6/00 as (A), 436
4/00—Adjournment, 467
5/00—Motion to deal with PMM 7/00 instead of PMM 11/00, 480

- 6/00—Motion to defer PMM 11/00, 481
- 7/00—Suspension of SO 10(2), 512
- 8/00—Adjournment, 597
- 9/00—PMM 18/00, 804
- 10/00—First two resolve sections to PMM 24/00, 842
- 11/00—Last two resolve sections to PMM 24/00, 842
- 12/00—PMM 20/00, 855
- 13/00—Motion to debate Auditor General’s Report (and the Public Accounts Committee’s Report), 891
- 14/00—(Traffic (A) (Driving while Intoxicated Etc.) Bill, 2000 (C)), 956

Ebanks, Hon. Donovan

- Immigration (A) Bill, 2000, 769
- HMP Northward Strategic Plans Document and the HMP Northward Inmate Development and Rehabilitation Programmes, 743
- Royal Cayman Islands Police Service Annual Report 1999, 893
- Trade and Business Licensing (A) Bill, 2000, 770

Ebanks, Mr. D. Dalmain,

- Public Access to North Sound and Seven Mile Beach (PMM 2/00), 278

Eden, Hon. Anthony S.,

- Advisory issued by the United States Treasury (*Raising of matters SO 11(6)*), 648
- Annual Report of the National Drug Council for the year ending 30 June 1999 and the National Drug Council Financial Statements for year ended 30 June 1999, 880
- Conflict of Interest Legislation (PMM 13/00), 461
- Debate on the Throne Speech, 147
- Establishment of a “Safe House” for battered women and children (PMM No. 10/00), 762
- Exgratia Payment Beneficiaries (PMM 7/00), 722, 723
- Investigation into the Pedro St. James Construction Project Account (PMM 6/00), 423
- Investigation into the Practice of Health Insurance Providers (PMM 4/00), 283
- Traffic (A) (Driving while intoxicated etc.) Bill, 2000, 945

Government Motions

- 1/00—Amendment to the Development Plan 1997
 - Bodden, Hon. Truman, 292
 - Bush, Mr. W. McKeever, 293
- 2/00—Amendments to the Development Plan 1977
 - Bodden, Hon. Truman, 778

Jefferson, Hon. Thomas C.,

- 20 percent tax on *Cayman Net News* (*Raising of matters SO 11(6)*), 487
- Advisory issued by the United States Treasury (*Raising of matters SO 11(6)*), 648
- Conducting of business, 511
- Debate on the Throne Speech, 187, 203
- Financial Statements of the Cayman Islands Government for the Year ended 31 December 1998, 881
- Investigation into the Pedro St. James Construction Project Account (PMM 6/00), 344, 348, 399, 409

Motion to debate Auditor General’s Report (and the Public Accounts Committee’s Report —SO 77(6) & (7)), 886
 Public Access to North Sound and Seven Mile Beach (PMM 2/00), 278
 Traffic (A) (Driving while intoxicated etc.) Bill, 2000, 939, 945
 Traffic Ticket Regulations, 2000, 880

Jefferson, Mr. John D., Jr.,

Concerns with the Occurrence at Northward Prison (PMM 5/00), 326
 Debate on the Throne Speech, 32
 Debates on issues in the draft 1992 Constitution (PMM 18/00), 795, 803
 Exgratia Payment Beneficiaries, (PMM 7/00), 722
 Government Financial Assistance for Low Cost Housing (PMM 17/00), 829, 835
 Government Scholarship Grants (*Raising of matters SO 11(6)*), 509
 Investigation into the Pedro St. James Construction Project Account (PMM 6/00), 348, 394
 Investigation into the Practice of Health Insurance Providers (PMM 4/00), 287
 Labour (A) Bill, 2000, 966
 Monetary Authority (A) (International Co-operation) Bill, 2000, 686
 Property in Goat Yard, Boatswain Bay (*Raising of matters SO 11(5) & (6)*), 974
 Public Access to North Sound and Seven Mile Beach (PMM 2/00), 275, 276, 280
 Public Education System (PMM 14/00), 570, 583
 Public Utilities Commission (PMM 20/00), 846
 Reduced Cost of Mortgage Financing for Caymanian Owner-occupied Homes (PMM 1/00), 251, 274
 Report of the Public Accounts Committee on the Report of the Auditor General on the Audited Accounts of the Government for the year ended 31st December, 1998, 882
 Retirement pay for senior citizen employees (PMM 9/00), 726, 727, 728, 729
 Revised Guidelines for the Award of Government Scholarships (PMM 22/00), 804, 805, 825
 Traffic (A) (Driving while intoxicated etc.) Bill, 2000, 941
 Watersports Concession at major hotels (PMM 8/00), 764, 767

McCarthy, Hon. George A.,

20 percent tax on *Cayman Net News* (*Reply to matter raised under SO 11(6)*), 487
 Advisory issued by the United States Treasury (*Reply to matter raised under SO 11(6)*), 631
 Banks and Trust Companies (A) (Access to Information) Bill, 2000, 688
 Building Societies (A) (Regulations by Monetary Authority) Bill, 2000, 950
 Cayman Islands Monetary Authority Annual Report 1998, 373
 Cayman Islands Public Pensions Board Actuarial Valuation of Public Service Pensions as of January 1999, 374
 Companies Management (A) (Access to Information) Bill, 2000, 688
 Co-operative Societies (A) (Credit Unions) Bill, 2000, 949
 Finance Bill, 2000, 442, 444
 Financial Statements of the Cayman Islands Stock Exchange Limited for the year ended 31 December 1998, 615
 Financial Statements of the Public Service Pension Fund for the years ended 31st December 1996, 1997 and 1998, 616
 Gross Domestic Product (PMM 23/00), 875
 In-depth discussion on increased interest and electrical rates (PMM 11/00), 715
 Monetary Authority (A) (International Co-operation) Bill, 2000, 676, 687
 Monetary Authority (A) (Regulation of Non-Bank Financial Institutions) Bill, 2000, 946

Money Services Bill, 2000, 948

Motion to debate Auditor General's Report (and the Public Accounts Committee's Report —SO 77(6) & (7)), 883, 884

Public Service Pensions (Amendment and Validation) Bill, 2000, 437, 441

McField, Dr. Frank,

Advisory issued by the United States Treasury (*Raising of matters SO 11(6)*), 643

Capt. E.L. Solomon's Subdivision off Eastern Avenue (PMM 25/00), 791

Concerns with the Occurrence at Northward Prison (PMM 5/00), 299, 314, 317

Debate on the Throne Speech, 49

Debates on issues in the draft 1992 Constitution (PMM 18/00), 795, 803

Establishment of a "Safe House" for battered women and children (PMM 10/00), 738

Finance Bill, 2000, 443

Government Financial Assistance for Low Cost Housing (PMM 17/00), 829, 832

Immigration Board's Policy re: Jamaican Nationals (*Raising of matters SO 11(6)*), 231

Investigation into the Pedro St. James Construction Project Account (PMM 6/00), 345, 381

Investigation into the Practice of Health Insurance Providers (PMM 4/00), 290

Labour (A) Bill, 2000, 967

Monetary Authority (A) (International Co-operation) Bill, 2000, 682

Mortgage Assistance (PMM 24/00), 837

Public Education System (PMM 14/2000), 550, 560, 627

Public Service Pensions (Amendment and Validation) Bill, 2000, 440

Public Utilities Commission (PMM 20/00), 851

Reduced Cost of Mortgage Financing for Caymanian Owner-occupied Homes (PMM 1/00), 251, 264, 267

Retirement pay for senior citizen employees (PMM 9/00), 726

Revised Guidelines for the Award of Government Scholarships (PMM 22/00), 824

Traffic (A) (Driving while intoxicated etc.) Bill, 2000, 941

McLean, Hon. John B.,

Annual Report of the National Trust for the Cayman Islands year ended 31 August 1999, 373

Capt. E.L. Solomon's Subdivision off Eastern Avenue (PMM 25/00), 791

Cayman Islands Turtle Farm (1983) Limited Financial Statements dated 31st March 1999, 707

Debate on the Throne Speech, 242

Environment Study to determine the long term effects of aerial spraying and landfill leakage (PMM 12/00), 485

Government Financial Assistance for Low Cost Housing (PMM 17/00), 832

In-depth discussion on increased interest and electrical rates (PMM 11/00), 719

Public Utilities Commission (PMM 20/00), 845

Purchase of Property (PMM 19/00), 794

Report & Recommendation of the Minister responsible for lands for the proposed vesting of Block 77A, Parcel 48, 615

Report & Recommendation of the Minister responsible for lands relating to the proposed disposition of GT Block 14C, Parcel 40, 615

Motion to debate Auditor General's Report (and the Public Accounts Committee's Report —SO 77(6) & (7))

Bodden, Hon. Truman M., 884, 885, 887, 888, 889, 890

Bodden, Mr. Roy, 885, 887, 890

Bush, Mr. W. McKeeva, 884, 887, 888, 889, 890
 Jefferson, Hon. Thomas C., 886
 McCarthy, Hon. George A., 883, 884
 Moyle, Mrs. Edna M., 885
 O'Connor-Connolly, Hon. Julianna, 886, 887
 Tibbetts, Mr. D. Kurt, 883, 886, 887, 888

Moyle, Mrs. Edna M.,

Advisory issued by the United States Treasury (*Raising of matters SO 11(6)*), 650
 Debate on the Throne Speech, (*comments made from Chair re: needs of district of North Side*), 250
 Environment Study to determine the long term effects of aerial spraying and landfill leakage (PMM 12/00), 482
 Establishment of a “Safe House” for battered women and children (PMM 10/00), 730, 737
 Government Scholarships grants, 510
 In-depth discussion on increased interest and electrical rates (PMM 11/00), 714
 Ironwood Scholarship Fund, 828
 Motion to debate Auditor General’s Report (and the Public Accounts Committee’s Report —SO 77(6) & (7)), 885
 Public Utilities Commission (PMM 20/00), 843
 Purchase of Property (PMM 19/00), 794
 Retirement pay for senior citizen employees (PMM 9/00), 728
 Rights for illegitimate children and parents of illegitimate children (PMM 16/00 - *withdrawn*), 506
 Unfinished business of the House, 975
 Wetlands (PMM 15/00), 493, 505

O’Connor-Connolly, Hon. Julianna,

Cayman Islands National Youth Policy, 893
 Debate on the Throne Speech, 212, 235
 Establishment of a “Safe House” for battered women and children (PMM 10/00), 735
 Exgratia Payment Beneficiaries, (PMM 7/00), 724, 725
 Investigation into the Pedro St. James Construction Project Account (PMM 6/00), 420
 Labour (A) Bill, 2000, 965, 968
 Mortgage Assistance (PMM 24/00), 837
 Motion to debate Auditor General’s Report (and the Public Accounts Committee’s Report —SO 77(6) & (7)), 886, 887
 Retirement pay for senior citizen employees (PMM 9/00), 728

Parliamentary Questions—By Category (See also: Parliamentary Questions—Numerically)

Agriculture

28: Steps undertaken to prevent the infestation of the Cayman Islands of formosa termites, 603

Airport

54: Update on the propose resurfacing of the Gerrard Smith Airport, 787
 67: Proposed new airstrip in Little Cayman, 861

Audit

12: Audit of the Telecommunications Department, 489
 29: Audit on the Public Financial Assistance, 603

Cayman Airways Limited

30: Utilisation of CAL third aircraft, 617
 31: Cost of CAL third aircraft, 620

- 32: Update on CAL cargo service, 620
- 33: Number of flight attendants employed by CAL, by nationality, 622
- 75: Cayman Airways' Business Plan, 907
- 76: Pension benefits for long-serving Caymanian employees of Cayman Airways, 912

Cayman Islands Monetary Authority

- 47: Consideration to making the Cayman Islands Monetary Authority the regulatory body for commercial interest rates in the Cayman Islands, 759
- 85: New employees to be hired by the Cayman Islands Monetary Authority, 931

Cemetery

- 72: Acquisition of additional property for the extension of the Bodden Town Cemetery, 903

Civil Service

- 27: Appointment of Anomalies Committee to deal with civil servants posts which remain "red circled", 580

Community Development

- 59: Replacement of Community Development Officer for Bodden Town District, 818

Drug Abuse Prevention

- 13: Strategies implemented to deter substance abuse among school children since the publication of the Drug use Survey, 489

Education

- 2: Additional classrooms for BT Primary School, 454 (*deferred*), 515
- 3: Number of teachers and teachers' aides employed at the Savannah Primary School, 454 (*deferred*), 515
- 4: Establishment of a third high school on Grand Cayman, 455
- 5: Qualifications for teachers' aides in government primary schools, 457
- 6: Update on multi-disciplinary study being conducted by CH2M Hill, 469
- 9: Projected enrolment for government primary schools on Grand Cayman, 475
- 10: Number of new students enrolled for the September term at the Government High and Middle Schools, 477
- 11: Provision of a pre-school in the district of NS, 478
- 15: Implementation of after-school programmes in NS, EE and BT, since PMM 1/99, 492
- 18: Policy regarding issuance of government scholarships, 516
- 25: To provide an update on the classrooms now under construction at the Savannah Primary School, 559
- 34: Requirements needed to graduate from JGHS, 655
- 35: Terms of reference for the Millet Report, 657
- 36: Completion of the Millet Report, 658
- 70: Government's policy regarding reimbursement of expenses to civil servants studying at the Community College of the Cayman Islands, 902
- 74: Completion of the National (Education) Curriculum, 906
- 66: Number of Caymanian teachers in public sector since January 1999, 860
- 73: Update on work carried out to the Bodden Town and Savannah Primary Schools over the summer holidays, 904
- 80: Number of Caymanian graduates of the Cayman Islands Law School for 2000, 920

Finance

- 45: Update on the on-going financial reforms, 746
- 46: System in place to determine the actual cost of any government project, 748
- 83: The most recent figures on GDP and per capita income of the Cayman Islands, 927
- 84: Appointment of a Government "Think Tank" Committee, 928

Fire Station

- 51: Consideration for construction of a sub-fire station in the district of Bodden Town, 785

Gang Related Behaviour

- 8: Strategies presently employed to eliminate gang behaviour in high schools on Grand Cayman, 472

Health/Insurance

- 23: Government's policy regarding investigation into the current medical insurance companies, 542 (*deferred*), 616
- 58: Provide details of complaints received from Caymanians against services received from Baptist Hospital since January 1998, 817
- 61: Expiration date of contract with Baptist Hospital, 819
- 62: Reconsideration of medical referral agreement with the Baptist Hospital, 857
- 68: Registered nurses at Faith Hospital working double 8-hour shifts, 900
- 69: Employment of nurses at Faith Hospital, 901

Hurricane Shelter

- 79: Status of hurricane shelter in Little Cayman, 919
- 82: Opening of new Civic Centre/Hurricane Shelter located next to the Community College, 926

Immigration

- 42: Caymanian status to athletes, 750
- 43: Government's policy regarding foreign nationals convicted of serious crimes in the Cayman Islands, 743
- 44: Establishment of any agreements re information exchanges on deportees from other jurisdictions, 745
- 78: List of most recipients of the grant of Caymanian Status given by Executive Council, 916
- 81: List of most recent recipients of Caymanian status as given by Executive Council, 926

Information Technology

- 86: Policy adopted by the government regarding IT entities/e-businesses using the word, bank as a part of its name, 937

Labour Relations

- 63: Complaints from employees of the Cayman Resort Hotels to the Labour Department, 896
- 64: Government's position on the establishment of the National Alliance of Cayman Islands Employees (NACE), 897
- 65: Protection of government workers by the Labour Law, 898

Pedro St. James

- 26: Projected revenue and operational cost for Pedro St. James for 2000 and figures for 1999, 577

Police

- 39: Staff complement of the RCIP, by rank and nationality, 669
- 40: RCIP's policy where complaints of harassment are reported against family members, 707
- 41: RCIP procedure upon receipt of serious threats and intimidation by family members, 708

Port Authority

- 38: Update on proposed extension of the GT Port, 670

Prison

- 77: Explanation of the present parole system for prisoners, 913

Roads

- 16: Progress on erecting light-reflecting signs, 514 (*deferred*)
- 17: Government's plans to develop farm roads in BT, EE and NS, 514
- 19: Road works and other government projects undertaken in WB, 537

- 20: Consideration of a Litter Task Force, 539
- 21: Change of name for the road called “Harquail Bypass”, 540 (*deferred*), 599
- 52: List of road works carried out in Bodden Town since the beginning of this year-to-date, 786
- 57: Assessing traffic problem in the vicinity of Newlands Road and Tall Tree, 816

Social Services

- 7: Purchase of property for the relocation of the Sunrise Centre, 471
- 53: Update on PMM18/99—Assistance for the Physically Challenged, 786
- 60: Update on North Side Senior Citizens’ Centre, 818

Taxis

- 24: Government’s present policy regarding eligibility to acquire omnibus licences, 557

Tourism

- 22: Department of Tourism’s advertising campaign for the 2000 winter season, 540 (*deferred*), 601
- 37: Objective of the Tourism Department in hosting country music shows, 661

Trade & Business License

- 71: Update on the Trade and Business License applications of the two oil companies, 902

Turtle Farm

- 1: Production level of turtle meat at the Turtle Farm for the past four years at the present state of the breeding stock, 453

Water Authority

- 49: List the total staff complement of the Water Authority by nationality and job description, 781
- 50: State whether the sewage treatment facility is functioning at its optimum efficiency, 782
- 56: Status of the Grand Cayman Waste Water Treatment Works Project, 811

Parliamentary Questions—Numerically (*See also: Parliamentary Questions by Category*)

- 1: Production level of turtle meat at the Turtle Farm for the past four years at the present state of the breeding stock, 453
- 2: Additional classrooms for BT Primary School, 454 (*deferred*), 515
- 3: Number of teachers and teachers’ aides employed at the Savannah Primary School, 454 (*deferred*), 515
- 4: Establishment of a third high school on Grand Cayman, 455
- 5: Qualifications for teachers’ aides in government primary schools, 457
- 6: Update on multi-disciplinary study being conducted by CH2M Hill, 469
- 7: Purchase of property for the relocation of the Sunrise Centre, 471
- 8: Strategies presently employed to eliminate gang behaviour in high schools on Grand Cayman, 472
- 9: Projected enrolment for government primary schools on Grand Cayman, 475
- 10: Number of new students enrolled for the September term at the government High and Middle Schools, 477
- 11: Provision of a pre-school in the district of NS, 478
- 12: Audit of the Telecommunications Department, 489
- 13: Strategies implemented to deter substance abuse among school children since the publication of the Drug use Survey, 489
- 14: *Withdrawn*, 492
- 15: Implementation of after-school programmes in NS, EE and BT since PMM 1/99, 492
- 16: Progress on erecting light-reflecting signs, 514 (*deferred*)
- 17: Government’s plans to develop farm roads in BT, EE and NS, 514

- 18: Policy regarding issuance of government scholarships, 516
- 19: Road works and other government projects undertaken in WB, 537
- 20: Consideration of a Litter Task Force, 539
- 21: Change of name for the road called “Harquail Bypass”, 540 (*deferred*), 599
- 22: DOT advertising campaign for the 2000 winter season, 540 (*deferred*), 601
- 23: Government’s policy regarding investigation into the current medical insurance companies, 540 (*deferred*), 616
- 24: Government’s present policy regarding eligibility to acquire omnibus licences, 557
- 25: To provide an update on the classrooms now under construction at the Savannah Primary School, 559
- 26: Projected revenue and operational cost for Pedro St. James for 2000 and figures for 1999, 577
- 27: Appointment of Anomalies Committee to deal with civil servants posts which remain “red circled”, 580
- 28: Steps undertaken to prevent the infestation of the Cayman Islands of formosa termites, 603
- 29: Audit on the Public Financial Assistance, 603
- 30: Utilisation of CAL third aircraft, 617
- 31: Cost of CAL third aircraft, 620
- 32: Update on CAL cargo service, 620
- 33: Number of flight attendants employed by CAL, by nationality, 622
- 34: Requirements needed to graduate from JGHS, 655
- 35: Terms of reference for the Millet Report, 657
- 36: Completion of the Millet Report, 658
- 37: Objective of the Tourism Department in hosting country music shows, 661
- 38: Update on proposed extension of the GT Port, 670
- 39: Staff complement of the Royal Cayman Islands Police, by rank and nationality, 669
- 40: RCIP policy where complaints of harassment are reported against family members, 707
- 41: RCIP procedure upon receipt of serious threats and intimidation by family members, 708
- 42: Caymanian status to athletes, 750
- 43: Government’s policy regarding foreign nationals convicted of serious crimes in the Cayman Islands, 743
- 44: Establishment of any agreements re information exchanges on deportees from other jurisdictions, 745
- 45: Update on the on-going financial reforms, 746
- 46: System in place to determine the actual cost of any government project, 748
- 47: Consideration to making the Cayman Islands Monetary Authority the regulatory body for commercial interest rates in the Cayman Islands, 759
- 48: *Withdrawn*, 761
- 49: List the total staff complement of the Water Authority by nationality and job description, 781
- 50: State whether the sewage treatment facility is functioning at its optimum efficiency, 782
- 51: Consideration for construction of a sub-fire station in the district of Bodden Town, 785
- 52: List of road works carried out in Bodden Town since the beginning of this year-to-date, 786
- 53: Update on PMM18/99—Assistance for the Physically Challenged, 786
- 54: Update on the propose resurfacing of the Gerrard Smith Airport, 787
- 55: *Withdrawn*, 811
- 56: Status of the Grand Cayman Waste Water Treatment Works Project, 811
- 57: Assessing traffic problem in the vicinity of Newlands Road and Tall Tree, 816
- 58: Provide details of complaints received from Caymanians against services received from Baptist Hospital since January 1998, 817
- 59: Replacement of Community Development Officer for Bodden Town District, 818

- 60: Update on North Side Senior Citizens' Centre, 818
- 61: Expiration date of contract with Baptist Hospital, 819
- 62: Reconsideration of medical referral agreement with the Baptist Hospital, 857
- 63: Complaints from employees of the Cayman Resort Hotels to the Labour Department, 896
- 64: Government's position on the establishment of the National Alliance of Cayman Islands Employees (NACE), 897
- 65: Protection of government workers by the Labour Law, 964, 898
- 66: Number of Caymanian teachers in public sector since January 1999, 860
- 67: Proposed new airstrip in Little Cayman, 861
- 68: Registered nurses at Faith Hospital working double 8-hour shifts, 900
- 69: Employment of nurses at Faith Hospital, 901
- 70: Government's policy regarding reimbursement of expenses to civil servants studying at the Community College of the Cayman Islands, 902
- 71: Update on the trade and business licence applications of the two oil companies, 902
- 72: Acquisition of additional property for the extension of the Bodden Town Cemetery, 903
- 73: Update on work carried out to the Bodden Town and Savannah Primary Schools over the summer holidays, 904
- 74: Completion of the National (Education) Curriculum, 906
- 75: Cayman Airways' Business Plan, 907
- 76: Pension benefits for long-serving Caymanian employees of Cayman Airways, 912
- 77: Explanation of the present parole system for prisoners, 913
- 78: List of most recipients of the grant of Caymanian Status given by Executive Council, 916
- 79: Status of the new hurricane shelter in Little Cayman, 919
- 80: Number of Caymanian graduates of the Cayman Islands Law School for 2000, 920
- 81: List of most recent recipients of Caymanian status as given by Executive Council, 926
- 82: Opening of new Civic Centre/Hurricane Shelter located next to the Community College, 926
- 83: The most recent figures on GDP and per capita income of the Cayman Islands, 927
- 84: Appointment of a Government "Think Tank" Committee, 928
- 85: New employees to be hired by the Cayman Islands Monetary Authority, 931
- 86: Policy adopted by the government regarding IT entities/e-businesses using the word, bank as a part of its name, 937

Pierson, Mr. Linford A.,

- Advisory issued by the United States Treasury (*Raising of matters SO 11(6)*), 636
- Capt. E.L. Solomon's Subdivision off Eastern Avenue (PMM 25/00), 791
- Concerns with the Occurrence at Northward Prison (PMM 5/00), 300
- Debate on the Throne Speech, 94, 101, 111
- Public Education System (PMM 14/00), 586, 606

Presentation of Papers and Reports:

- 1999 Annual Report of the Central Planning Authority and Development Control Board Cayman Islands Government (*Hon. Truman Bodden*), 879
- Annual Report of the National Drug Council for the year ending 30 June 1999 and the National Drug Council Financial Statements for year ended 30 June 1999 (*Hon. Anthony S. Eden*), 880
- Annual Report of the National Trust for the Cayman Islands year ended 31 August 1999 (*Hon. John B. McLean*), 373
- Cayman Airways Limited Financial Statements 31st December 1998 (*Hon. Truman Bodden*), 391
- Cayman Islands Monetary Authority Annual Report 1998 (*Hon. George A. McCarthy*), 373
- Cayman Islands National Youth Policy (*Hon. J. O'Connor-Connolly*), 893

- Cayman Islands Public Pensions Board Actuarial Valuation of Public Service Pensions as of January 1999 (*Hon. George A. McCarthy*), 374
- Cayman Islands Turtle Farm (1983) Limited Financial Statements dated 31st March 1999 of (*Hon. John B. McLean*), 707
- Financial Statement of the Cayman Islands Stock Exchange Limited for the year ended 31 December 1998 (*Hon. George A. McCarthy*), 615
- Financial Statements of the Cayman Islands Government for the Year ended 31 December 1998 (*Hon. Thomas C. Jefferson*), 881
- Financial Statements of the Community College of the Cayman Islands 31st December 1999 and 1998 (*Hon. Truman M. Bodden*), 895
- Financial Statements of the Public Service Pension Fund for the years ended 31st December 1996, 1997 and 1998 (*Hon. George A. McCarthy*), 616
- HMP Northward Strategic Plans Document and the HMP Northward Inmate Development and Rehabilitation Programmes (*Hon. Donovan Ebanks*), 743
- Report & Recommendation of the Minister responsible for lands for the proposed vesting of Block 77A, Parcel 48 (*Hon. John B. McLean*), 615
- Report & Recommendation of the Minister responsible for lands relating to the proposed disposition of GT, Block 14C, Parcel 40 (*Hon. John B. McLean*), 615
- Report of the Auditor General on the Financial Statements of the Government of the Cayman Islands for the year ended 31 December 1998 (*Hon. Thomas C. Jefferson*), 882
- Report of the Public Accounts Committee on the Report of the Auditor General on the Audited Accounts of the Government for the year ended 31st December, 1998 (*Mr. John D. Jefferson, Jr.*), 882
- Royal Cayman Islands Police Service Annual Report 1999 (*Hon. Donovan Ebanks*), 893
- Traffic Ticket Regulations, 2000 (*Hon. Thomas C. Jefferson*), 880

Private Members' Motions:

- No. 1/00—Reduced Cost of Mortgage Financing for Caymanian Owner-occupied Homes
 Bodden, Hon. Truman M., 259
 Bodden, Mr. Roy, 255
 Bush, Mr. W. McKeever, 261
 Jefferson, Mr. John D. Jr., (*Mover*), 251, 274
 McField, Dr. Frank, (*Seconder*), 251, 264, 267
 Tibbetts, Mr. D. Kurt, 269
- No. 2/00—Public Access to North Sound and Seven Mile Beach Bodden, Mr. Roy, 278
 Bush, Mr. W. McKeever, (*Seconder*), 276, 279
 Ebanks, Mr. D. Dalmain, 278
 Jefferson, Hon. Thomas C., 278
 Jefferson, Mr. John D, Jr. (*Mover*), 275, 276, 280
- No. 4/00—Investigation into the Practice of Health Insurance Providers
 Bodden, Mr. Roy, (*Seconder*), 282, 288
 Bush, Mr. W. McKeever (*Mover*), 282, 291
 Eden, Hon. Anthony, 283
 Jefferson, Mr. John D., Jr., 287
 McField, Dr. Frank, 290
- No. 5/00—Concerns with the Occurrence at Northward Prison
 Amendment thereto (*Moved by Hon. James Ryan*), 297
 Bodden, Hon. Truman, 300, 329
 Bodden, Mr. Roy (*Mover*), 297, 298, 303, 335

- Bush, Mr. W. McKeeva, (*Secunder*), 297, 299, 332
 Jefferson, Mr. John D., Jr., 326
 McField, Dr. Frank, 299, 314, 317
 Pierson, Mr. Linford A., 300
 Ryan, Hon. James M., 297, 298, 302, 310
 Tibbetts, Mr. D. Kurt, 301
- No. 6/00—Investigation into the Pedro St. James Construction Project Account
 Amendment thereto (*Moved by Hon. Thomas Jefferson*), 344
 Bodden, Hon. Truman M., 346, 347, 366, 375
 Bodden, Miss Heather D., 393
 Bodden, Mr. Roy, (*Secunder*), 344, 347, 384
 Bush, Mr. W. McKeeva, 345, 359
 Eden, Hon. Anthony S., 423
 Jefferson, Hon. Thomas, 344, 348, 399, 409
 Jefferson, Mr. John D., Jr., 348, 394
 McField, Dr. Frank, 345, 381
 O'Connor-Connolly, Hon. Juliana, 420
 Tibbetts, Mr. D. Kurt (*Mover*), 343, 345, 349, 353, 424
- No. 7/00—Exgratia Payment Beneficiaries
 Amendment thereto (No. 1), 721
 Amendment thereto (No. 2), 724
 Bodden, Mr. Roy (*Secunder*), 721, 723
 Bush, Mr. W. McKeeva (*Mover*), 721, 725
 Eden, Hon. Anthony S., 722, 723
 Jefferson, Mr. John D., Jr., 722
 O'Connor-Connolly, Hon. Julianna, 724, 725
- No. 8/00—Watersports Concessions at major hotels
 Bodden, Hon. Truman M., 766
 Bush, Mr. W. McKeeva (*Secunder*), 764, 766
 Jefferson, Mr. John D., Jr. (*Mover*), 764, 767
- No. 9/00—Retirement pay for senior citizen employees
 Amendment thereto, 727
 Bush, Mr. W. McKeeva, 728, 729
 Jefferson, Mr. John D., Jr., (*Mover*), 726, 727, 728, 729
 McField, Dr. Frank (*Secunder*), 726
 Moyle, Mrs. Edna, 728
 O'Connor-Connolly, Hon. Julianna, 728
- No. 10/00—Establishment of a “Safe House” for battered women and children
 Bodden, Miss Heather D. (*Mover*), 730, 763
 Bodden, Mr. Roy, 761
 Bush, Mr. W. McKeeva, 741
 Eden, Hon. Anthony S., 762
 McField, Dr. Frank, 738
 Moyle, Mrs. Edna (*Secunder*) 730, 737
 O'Connor-Connolly, Hon. Julianna, 735
 Tibbetts, Mr. Kurt D., 762
- No. 11/00—In-depth discussion on increased interest/electrical rates
 Bodden, Mr. Roy, 716
 Bush, Mr. W. McKeeva (*Mover*), 714, 719

- McCarthy, Hon. George A., 715
- McLean, Hon. John B., 719
- Moyle, Mrs. Edna (*Secunder*), 714
- Tibbetts, Mr. D. Kurt, 718
- No. 12/00—Environment Study to determine the long term effects of aerial spraying and landfill leakage
 - Bodden, Mr. Roy (*Mover*), 482, 485
 - McLean, Hon. John B., 485
 - Moyle, Mrs. Edna (*Secunder*), 482
- No. 13/00—Conflict of Interest Legislation
 - Amendment thereto, 458
 - Bodden, Mr. Roy, (*Secunder*), 458, 461
 - Eden, Hon. Anthony S., 461
 - Tibbetts, Mr. D. Kurt, (*Mover*), 458, 459, 460, 465
- No. 14/00—Public Education System
 - Amendment thereto, 612
 - Bodden, Hon. Truman M., 532, 541, 612, 624, 664
 - Bodden, Mr. Roy (*Secunder*), 507, 526, 628
 - Bush, Mr. W. McKeewa, 566
 - Jefferson, Mr. John D., 570, 583
 - McField, Dr. Frank, 550, 560, 627
 - Pierson, Mr. Linford A., 586, 606
 - Tibbetts, Mr. D. Kurt (*Mover*), 507, 522, 664, 667, 711
- No. 15/00—Wetlands
 - Amendment thereto, 497
 - Bodden, Mr. Roy (*Secunder*), 493, 498
 - Bodden, Hon. Truman M., 494
 - Bush, Mr. W. McKeewa, 504
 - McField, Dr. Frank, 501
 - Moyle, Mrs. Edna (*Mover*), 493, 505
- No. 16/00—Rights for illegitimate children and parents of illegitimate children, (*withdrawn*)
 - Bodden, Mr. Roy (*Mover*), 506
 - Moyle, Mrs. Edna (*Secunder*), 506
- No. 17/00—Government Financial Assistance for Low Cost Housing
 - Amendment thereto, 829
 - Bush, Mr. W. McKeewa, 834
 - Jefferson, Mr. John D. Jr., (*Mover*), 829, 835
 - McField, Dr. Frank (*Secunder*), 829, 832
 - McLean, Hon. John B., 832
- No. 18/00—Debate on issues in the draft 1992 Constitution
 - Bodden, Mr. Roy, 800
 - Jefferson, Mr. John D. Jr., (*Secunder*), 795, 803
 - McField, Dr. Frank (*Mover*), 795, 803
- No. 19/00—Purchase of Property
 - Bush, Mr. W. McKeewa (*Mover*), 794
 - McLean, Hon. John B., 794
 - Moyle, Mrs. Edna (*Secunder*), 794
- No. 20/00—Public Utilities Commission
 - Bodden, Hon. Truman M., 850

- Bodden, Mr. Roy (*Mover*), 843, 852
- Jefferson, Mr. John D., 846
- No 20/00 (continued)
 - McField, Dr. Frank, 851
 - McLean, Hon. John B., 845
 - Moyle, Mrs. Edna (*Secunder*), 843
 - Tibbetts, Mr. Kurt D., 846
- No. 21/00—Establishment of a Student Summer Employment Agency
 - Bodden, Hon. Truman M., 869
 - Bodden, Mr. Roy (*Mover*), 864, 873
 - Bush, Mr. W. McKeeva, 870
 - Tibbetts, Mr. Kurt (*Secunder*), 864, 871
- No. 22/00—Revised Guidelines for the Award of Government Scholarships
 - Bodden, Hon. Truman M., 809, 820
 - Bodden, Miss Heather D., 824
 - Bodden, Mr. Roy, 822
 - Bush, Mr. W. McKeeva (*Secunder*), 805, 808
 - Jefferson, Mr. John D. Jr., (*Mover*), 804, 805, 825
 - McField, Dr. Frank, 824
- No. 23/00—Gross Domestic Product
 - Bush, Mr. W. McKeeva (*Mover*), 875, 877
 - McCarthy, Hon. George A., 875
 - Tibbetts, Mr. D. Kurt (*Secunder*), 875
- No. 24/00—Mortgage Assistance
 - Bodden, Mr. Roy (*Secunder*), 836, 838
 - Bush, Mr. W. McKeeva (*Mover*), 836, 837, 840
 - McField, Dr. Frank, 837
 - O'Connor-Connolly, Julianna, 837
- No. 25/00—Capt. E.L. Solomon's Subdivision off Eastern Avenue
 - Bodden, Hon. Truman M., 791
 - Bodden, Mr. Roy, (*Secunder*) 789
 - McField, Dr. Frank, 791
 - McLean, Hon. John B, 791
 - Pierson, Mr. Linford A., 791
 - Tibbetts, Mr. D. Kurt, (*Mover*), 789, 792

Proclamation No. 2/00, 1

Raising of Matters for which Government has Responsibility (SO 11(6))

- Disruption of Flight Schedule of Cayman Airways Limited
 - Tibbetts, Tibbetts, Mr. D. Kurt, 200
 - Bodden, Hon. Truman (*reply thereto*), 207
- Escaped Prisoner
 - Bodden, Mr. Roy, 293
 - Ryan, Hon. James, M (*reply thereto*), 294
- Immigration Board's Policy re: Jamaican Nationals
 - McField, Dr. Frank, 231
 - Ryan, Hon. James M(*reply thereto*), 233
- 20 Percent Tax on *Cayman Netnews*

Bodden, Mr. Roy, 486
Jefferson, Hon. Thomas C. (*reply thereto*), 487
McCarthy, Hon. George A., 487

Government Scholarship Grants

Bodden, Hon. Truman M. (*reply thereto*), 509
Jefferson, Mr. John D., Jr., 509

Property in Goatyard, Boatswain Bay

Bush, Mr. W. McKeeva, 973
Jefferson, Mr. John D. Jr., 974

Raising of an urgent public matter (SO 12(2))

Advisory issued by the United States Treasury

Ballantyne, Hon. David F., 651
Bodden, Hon. Truman M., 647
Bodden, Miss Heather D., 651
Bodden, Mr. Roy, 642
Bush, Mr. W. McKeeva, 631, 652
Eden, Hon. Anthony S., 648
Jefferson, Hon. Thomas C., 648
McCarthy, Hon. George A., 631
McField, Dr. Frank, 643
Moyle, Mrs. Edna M., 650
Pierson, Mr. Linford A., 636
Tibbetts, Mr. D. Kurt, 645

Ryan, Hon. James M.,

Concerns with the Occurrence at Northward Prison (PMM 5/00), 297, 298, 302, 310
Debate on the Throne Speech, 238
Escaped Prisoner (*Reply to Raising of Matters under SO 11(6)*), 294
Immigration Board's Policy re: Jamaican Nationals (*Rely to Raising of Matters under SO 11(6)*),
233
Immigration Issues, 131

Speaker's/Deputy Speaker's Announcements and Rulings

Commonwealth Day Message, 181
House Visitors
 Grace Christian Academy, 469
 Wesleyan Holiness School, 233
Letter from Honourable Speaker, 181
Member ordered to withdraw unparliamentary expression, 255
Obituary
 Foster, Mr. Michael, 451
 Knowlton, Mrs. Sharon, 451
Ruling on point of order, 132
Ruling on SO 25(4), 610
Speaker's Casting Vote (SO 42(2)), 480, 482
Statement on procedures, 453
Vote of thanks, 451

Statements by Members

- Caymanian Compass Editorial re: Length of Time Spent in Chamber by MLAs (*Bodden, Mr. Roy*), 181
- Ironwood Scholarship Fund (*Moyle, Mrs. Edna*), 828
- Unfinished business of the House
 - Moyle, Mrs. Edna, 975
 - Tibbetts, Mr. D. Kurt, 974
- Academic probation policy at Triple C School (*Hon. Truman M. Bodden*), 779
- Immigration Issues (*Ryan, Hon. James, M.*), 131
- Statement on the select committee of the whole House on the Immigration Law 1992; the Local Companies (Control) Law (1995 R); and the Trade and Business Licensing Law (1996 R) (*Hon. David Ballantyne*), 973

Throne Speech (*See also*: Debate on Throne Speech), 2

Tibbetts, Mr. D. Kurt,

- Advisory issued by the United States Treasury (*Raising of matters SO 11(6)*), 648
- Capt. E.L. Solomon's Subdivision off Eastern Avenue (PMM 25/00), 789, 792
- Concerns with the Occurrence at Northward Prison (PMM 5/00), 301
- Conflict of Interest Legislation (PMM No. 13/00), 458, 465
- Debate on the Throne Speech, 73, 87
- Disruption of Flight Schedule of Cayman Airways Limited, 200
- Establishment of a "Safe House" for battered women and children (PMM 10/00), 767
- Establishment of a Student Summer Employment Agency (PMM 21/00), 864, 871
- Gross Domestic Product (PMM 23/00), 875
- In-depth discussion on increased interest and electrical rates (PMM 11/00), 721
- Investigation into the Pedro St. James Construction Project Account (PMM 6/00), 343, 345, 349, 353, 424
- Labour (A) Bill, 2000, 966
- Motion to debate Auditor General's Report (and the Public Accounts Committee's Report —SO 77(6) & (7)), 883, 886-888
- Proceeds of Criminal Conduct (A) (Money Laundering Regulations) Bill, 2000, 692
- Public Education System (PMM 14/00), 507, 522, 664, 667, 711
- Public Service Pensions (Amendment and Validation) Bill, 2000, 438
- Public Utilities Commission (PMM 20/00), 846
- Reduced Cost of Mortgage Financing for Caymanian Owner-occupied Homes (PMM 1/00), 269
- Traffic (A) (Driving while intoxicated etc.) Bill, 2000, 942
- Unfinished business of the House, 974

Tributes paid to Hon. Speaker Kirkconnell upon his retirement:

- Bodden, Hon. Truman M., 979
- Bodden, Mr. Roy, 975
- Bush Mr. W. McKeeva, 976
- Eden Hon. Anthony S., 978
- Jefferson Mr. John D, Jr., 977
- Kirkconnell, Hon. Mabry S. Speaker, 975, 982
- McField Dr. Frank, 980

Moyle: Mrs. Edna M., 978
O'Connor-Connolly: Hon. Julianna, 975
Pierson: Mr. Linford A., 980
Ryan Hon. James M., 976
Tibbetts Mr. D. Kurt., 981

MEETING DATES AND PAGES

First Meeting—24 sittings

18 February through 13 April 2000, pp. 1 through 450

Second Meeting—16 sittings

7 June through 20 July 2000, pp. 451 through 780

Third Meeting— 6 sittings

6 through 18 September 2000, pp 781 through 984

*Parliamentary Questions Answered in Writing
included at the end of
Volume II*

~~~~

**EDITED  
STATE OPENING  
FRIDAY  
18 FEBRUARY 2000  
9.45 AM**

*[Prayers read by Rev. Christopher Bailie]*

**The Speaker:** Please be seated. The Legislative Assembly is in session. Proclamation.

**PROCLAMATION NO. 2 OF 2000**

**The Clerk:** Proclamation No. 2 of 2000 by His Excellency Peter John Smith, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands.

"WHEREAS by subsection (1) of section 46 of Schedule 2 of the Cayman Islands (Constitution) Order, 1972, it is provided that the Sessions of the Legislative Assembly shall be held at such time and place as the Governor may, from time to time, by Proclamation appoint;

"NOW THEREFORE, under and by virtue of the powers vested in me by the aforesaid Order, I, Peter Smith, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, do hereby proclaim and make known that a Session of the Legislative Assembly of the Cayman Islands shall be held in the Legislative Assembly Building in George Town, Island of Grand Cayman, at 10:00 AM, on Friday, the 18<sup>th</sup> day of February, Two Thousand.

"Given under my hand and the Public Seal of the Cayman Islands at George Town in the Island of Grand Cayman, this 15<sup>th</sup> day of February in the year of our Lord, Two Thousand, in the Forty-ninth year of the Reign of Her Majesty Queen Elizabeth II. God Save the Queen."

**The Speaker:** Administration of Oaths or Affirmations. Mr. Adam Roberts to be the Acting Temporary Honourable Second Official Member.

Will all Honourable Members please stand? Will members of the gallery also please stand?

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**

**Hon. Adam Roberts:** I, Adam Roberts, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law. So help me God.

**The Speaker:** Mr. Roberts, on behalf of all Honourable Members I welcome you to the Legislative Assembly for the time of your service. Please take your seat as the Acting Temporary Honourable Second Official Member.

Please be seated.

I will now entertain a motion for the suspension of this Honourable House. The Honourable Minister for Education, Aviation and Planning.

**MOTION TO RISE AND AWAIT  
HIS EXCELLENCY THE GOVERNOR**

**Hon. Truman Bodden:** Mr. Speaker, I move that this House do rise to await His Excellency the Governor and reassemble on his arrival to receive a gracious message from the Throne.

**The Speaker:** I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The House shall suspend to await the arrival of His Excellency the Governor.

**AGREED: THAT THIS HOUSE DO RISE TO AWAIT HIS EXCELLENCY THE GOVERNOR AND RE-ASSEMBLE, ON HIS ARRIVAL, TO RECEIVE A GRACIOUS MESSAGE FROM THE THRONE.**

**PROCEEDINGS SUSPENDED AT 9.51 AM**

**PROCEEDINGS RESUMED AT 10.00 AM**

**ARRIVAL OF HIS EXCELLENCY  
THE GOVERNOR**

*The Governor's aide-de-camp gave three knocks on the door.*

**The Serjeant-at-Arms:** His Excellency the Governor.

**Procession:**  
*Serjeant-at-Arms  
The Speaker  
His Excellency the Governor  
Mrs. Smith  
The aide-de-camp  
The Clerk of the Legislative Assembly  
The Deputy Clerk*

**His Excellency the Governor:** Please be seated.

**The Speaker:** Your Excellency, I invite you to address this Legislative Assembly.

**THE THRONE SPEECH**  
**Delivered by**  
**His Excellency the Governor**  
**Mr. Peter John Smith, CBE**

Honourable Speaker, Honourable Members of the Legislative Assembly, it is with great honour, respect, and no little humility, that I present my first speech from the Throne.

I have been since arrival extremely impressed with the spread and depth of excellence and quality in so many facets of the national life here in Cayman, all wholly in keeping with Cayman's status as a major player in international finance and a top destination for tourism. I must add that the Commonwealth Finance Ministers meeting held here last year reflected a most enormous credit on all those in the Public Service who were instrumental in ensuring its success.

With this wider success come responsibilities which include being aware of the implications outside Cayman of developments and trends within it. Because we depend so heavily on external investment, business and tourism, we in return have to be sure that we are taking into consideration external perceptions of what happens here at home.

On the home front, there will be positive developments very shortly in Immigration with the Work Permits system, improvements to the Parole system, developments with regard to Community Service and Alternative Sentencing and these are all moves in the right direction.

There has been concern about the health of the National Strategic Plan under the Vision 2008 logo. I have decided to appoint an Executive Director of the Vision programme with a specific mandate over the next 6-8 months to monitor what is already underway within the system, ensure that the right priorities are observed for the next round, co-ordinate the broad sweep of Action Plans covering more than one Ministry, and to produce finally a comprehensive report with detailed recommendations on the sort of organisation needed to take the Vision programme forward in the longer term.

For the Public Service, this should be a year of consolidation after the various initiatives of the past few years. I have already requested the preparation of draft legislation for the creation of a position of Ombudsman, a post I hope can be in place by the end of the year. The Ombudsman would be the point of reference for all complaints of Public mal-administration. We have a good Public Service, and I am sure they will welcome this additional element of accountability for those people whom we seek to serve across the Cayman Islands. It is the Caymanian way to resolve difficulties and differences of opinion through consensus and dialogue rather than confrontation, and that is very much the way that I wish us to work together for the future.

Let me now proceed to report on the activities and intentions of the various Ministries, Portfolios and Departments.

---

**THE JUDICIARY**

---

In both the Grand Court and Summary Court criminal cases have been disposed of so that there is no longer a significant backlog.

The Sentencing Advisory Committee established by the Chief Justice has submitted its recommendations on the Community Service Scheme to my office for promulgation and further consideration.

---

**PORTFOLIO OF INTERNAL  
AND EXTERNAL AFFAIRS**

---

The general election, in the Cayman Islands is scheduled to take place on 08th November 2000.

In April, the Elections Office will begin issuing voter registration cards, which will make voting an easier and quicker process. They will be colour-coded for each district, and will immediately confirm to election officials whether or not persons are voting in the correct electoral district.

This will also be the final year for Mr. Thomas Russell as the Cayman Islands Government Representative in the United Kingdom. He retires in August. We thank Mr. Russell for his many years of service to the Cayman Islands.

The Portfolio will be organising a full briefing for his successor Mrs. Jennifer Dilbert, the first Caymanian to hold that position.

**THE ROYAL CAYMAN ISLANDS POLICE**

This year, every district of Grand Cayman and Cayman Brac will enjoy 24-hour police patrol cover. The Police Station in Little Cayman will be completed and a police officer will be posted there permanently with a 24-hour responsibility. Each district will produce a policing plan for the coming year.

Community policing will be progressed and by continued civilianisation of the important but 'backroom' duties of constables, a further eight trained and experienced officers will be released for community duty, taking the total to 22. It is planned to recruit 24 Police Officers from the United Kingdom to strengthen the Police and to seek to reduce crime.

A pilot scheme of cycle patrols will be introduced and assessed, and police school liaison will be increased. A constable will be attached to each high school to raise awareness of students to crime and its effects.

The Drug Abuse Resistance Education (DARE) programme will be piloted in schools by the police who will also continue supporting other school programmes, particularly QUEST lifestyle training.

A Family Protection Unit, comprised of police officers, but with support from other relevant agencies, will be established. In all spheres of policing activity, the RCIP Service will seek to work in partnership with Government, Commerce, voluntary organisations, the



Chamber of Commerce, and the "Crime Stoppers" and, particularly, the Special Constabulary, to make this year as crime free as possible.

### **THE PRISON DEPARTMENT**

Although the events at Northward Prison have been painful and at times distressing for all concerned, the prison authorities are making a determined effort to implement changes recommended in the reports and inquiries arising out of the various incidents.

Staff recruitment and training are critical issues. Twenty trained Prison Officers have been recruited from the United Kingdom. The Prison Officer cadre is being re-formed and greatly strengthened and there is an ambitious forward-looking programme of training in place. An experienced training officer will ensure that staff are equipped with the right skills, not only to carry out their duties humanely and efficiently but also in relation to rehabilitation.

The valuable partnerships formed between the prison and other organisations and agencies have given a new impetus and an added dimension to rehabilitation efforts. Many service clubs including, but not exclusively, Rotary, Kiwanis and Leo's, have generously given of their time and talent, and the Education and Social Service Departments have been especially helpful in providing teachers and counsellors to reinforce the prison education programme.

### **IMMIGRATION DEPARTMENT**

This year the Immigration Department, faced with additional challenges as a result of the continuous growth of the Cayman Islands economy, will continue to expand its physical and administrative capacities to meet these additional demands.

Additionally, administrative systems must be enhanced to ensure that they remain in concert with the needs and aspirations of the Caymanian community. To achieve this objective, there will have to be continuous dialogue between government, the business community and the community as a whole.

### **GOVERNMENT INFORMATION SERVICES**

This year, GIS will take a more customer-focused approach to the delivery of information. Among planned initiatives, the GIS Journal will be re-focussed to address issues as they emerge, and for the civil service as a whole media relations courses will be offered again with the support of one-on-one coaching in the unit's television section.

### **PERSONNEL DEPARTMENT**

The Department's objectives include:

- The development of Civil Service core values;
- capacity building;
- defining competencies and standards;
- the delivery of targeted training;

- introducing a reward and recognition programme; and
- the provisions of a Masters Degree in Public Administration and a professional practice course in Personnel Management.

Preliminary work is underway to introduce an Assessment and Development Centre to provide profile tests to assess civil servants potential for advancement. The implementation of career development plans and succession plans will continue to be a high priority. The Personnel Department will introduce programmes to train managers in coaching techniques, mentoring, and other human resource issues using the Integrated Resource Information System (IRIS).

The Department will undertake a comprehensive review of the job descriptions and wage structure for un-established posts.

The revision of General Orders and Public Service Commission Regulations will be completed.

Plans will be developed for the Public Service Commission to be served by a new Department dedicated to the Commission. This is one indication of the value I place on the neutrality of the civil service and the important role of the Public Service Commission. Transparency and accountability in both Departments will be enhanced by the separation.

### **COMPUTER SERVICES DEPARTMENT**

Computer Services will continue to provide information technology consulting and implementation services to assist agencies in achieving their business objectives while supporting financial reform and development of the infrastructure necessary to support Government's e-commerce initiatives.

### **BROADCASTING DEPARTMENT**

The Department of Broadcasting/Radio Cayman will mark its 25<sup>th</sup> year of offering a quality broadcast service to the Cayman Islands by new initiatives aimed at achieving a greater level of representation in the marketplace and producing more programmes that showcase the Caymanian culture and heritage.

---

## **PORTFOLIO OF LEGAL AFFAIRS**

---

The Portfolio of Legal Affairs intends to proceed with the planning of a Resource Centre for Law comprising a centralised library, information technology facilities and database access for use by the Cayman Islands Law School, the Legal Department of the Attorney General's Chambers, the Legislative Drafting Section and the Law Revision Unit. It is hoped to include private sector participation and to enable the Judiciary to access materials as required.

It is intended to maintain the working relationships between the Law School and the Legal Department of the Attorney General's Chambers to encourage interaction

and opportunities for law students in the Government Legal Service.

## **PORTFOLIO OF FINANCE AND ECONOMIC DEVELOPMENT**

The Portfolio of Finance and Economic Development will continue to implement the next phase of the Integrated Resource Information System (IRIS) and by the end of 2000 will have installed a financial management system which will transform the way the Government carries out its business.

Other major projects for this year include:

- continuing to study and provide policy advice to government on the full implications of the OECD, G7 and EU initiatives, and to advise on governments response to these initiatives;
- continuing revision of the Public Finance and Audit Law, 1997;
- amending the Customs, Shipping Registry and Companies Laws and regulations;
- introducing wider securities regulation; and
- establishing the framework for ensuring the operational independence of the Monetary Authority.

### **BUDGET AND MANAGEMENT UNIT**

The main objectives of the Budget and Management Unit for this year are:

- continuing to support the Financial Management Reforms;
- reviewing internally the organisation and staffing of the unit.

### **MARKETING AND PROMOTIONS**

The Marketing and Promotions Unit continues its efforts in ensuring the accurate dissemination of information concerning Cayman's financial industry. A highlight of this year's programme will be the United Nations Off-shore Plenary, which Cayman will host in late March.

The primary focus of the conference will be to ensure the observance of international standards by centres engaging in financial services activities and to provide technical assistance in strengthening regulatory framework within countries demonstrating a commitment to such standards but lacking the resources to do so.

### **INTERNAL AUDIT UNIT**

This year the Unit will implement a comprehensive 3-year plan that will continue to focus on government's revenue collection, management, and regulatory systems to ensure compliance with the Public Finance and Audit Law and Financial and Stores Regulations. The Unit will continue to review various departments' expenditure control and cash management systems.

## **PUBLIC SERVICE PENSIONS BOARD**

The Public Service Pensions Board is carrying out an actuarial valuation of the Public Service Pensions Fund. The Fund stood at approximately \$59 million as at 31<sup>st</sup> December 1999. It is expected that this balance will increase through contributions and earnings to \$76.4 million by year-end.

Other objectives for this year include:

- preparation of benefit statements for all participants;
- the ongoing development of the educational programme for Plan participants; and
- relocation of the offices of the Board.

## **CAYMAN ISLANDS STOCK EXCHANGE**

The Exchange has consolidated its reputation in the international market place as a first class listing facility and continues to attract business from the world's leading financial institutions.

The Exchange will continue to pursue further international recognition to add to that received last year from the London Stock Exchange. The Exchange has published new rules for its broker members in January 2000, and will continue to conduct onsite inspections of existing broker members, in order to ensure that the Exchange meets international standards and the recognition criteria of overseas regulatory authorities.

## **CAYMAN ISLANDS MONETARY AUTHORITY**

The Authority's main focus this year will be to continue the effective regulation of our financial industry, and to this end a Head of Banking should be in post by 1<sup>st</sup> May.

The Government remains firmly committed to ensuring the operational independence of the Monetary Authority.

## **ECONOMICS AND STATISTICS OFFICE**

The focus of the Economics and Statistics Office this year will be the compilation and publication of data from the Census of Population and Housing undertaken on 10<sup>th</sup> October last year.

## **GENERAL REGISTRY**

The General Registry's primary drive during this year will be the redesign of the computerised system in order to better facilitate existing statutory requirements, and to allow compliance with new requirements introduced through the Financial Management Initiative.

Also on the agenda is the computerisation of the Death and Marriage Registers.

### **SHIPPING REGISTRY**

During this year, a wide range of new regulations under the Merchant Shipping Law, 1997 is to be submitted along with a new Marine Pollution Law.

Under Cayman's leadership as chairman of the Caribbean Port State Control Memorandum of Understanding, there will be active ongoing work to ensure safe ships and clean seas in the Caribbean region. As the Maritime Administration for the Cayman Islands, the Shipping Registry continues to promote quality standards in shipping both regionally and, by extension, globally.

### **TREASURY DEPARTMENT**

The Payroll module of the new Integrated Resources Information systems (IRIS) was implemented in September 1999. Accounts Receivable and the Cash Management modules will be implemented this year.

Since January all group employees have been paid bi-monthly by direct deposit to their bank account instead of weekly.

Debt recovery continues to play a significant role in the work of the Treasury. As at 31<sup>st</sup> December 1999 debt recovery by the Debt collection Unit amounted to \$3.9 million, an increase of \$1.3 million over the last year.

### **CUSTOMS**

For the first time ever, Customs revenue exceeded CI\$100 million, with total receipts reaching CI\$102.5 million in 1999. Cayman Brac's contribution to the total sum was in excess of CI\$ 2 million, a significant amount considering that duty concessions are still in effect there.

Training of staff will remain a priority during the year with seminars and workshops designed to combat revenue fraud, enhance public relation skills and further improve levels of service to customers.

---

## **MINISTRY OF AGRICULTURE, COMMUNICATIONS, ENVIRONMENT & NATURAL RESOURCES**

---

The main projects in the Ministry this year will be the completion of the:

- multi-disciplinary study on the provision of construction aggregate and fill material for the Cayman Islands (sometimes referred to as the North Sound Study). The contract has been awarded to CH2M HILL International and work has commenced and the report is due in December 2000.
- Petroleum Storage and Handling Review, being done by Four Elements Consultants with their final report expected by the middle of the year.

### **TELECOMMUNICATIONS AUTHORITY**

The draft Telecommunications Bill has been further revised to include the establishment of a new Telecom-

munications Authority. This important legislation was recently commended by the Secretary-General of the International Telecommunications Union (ITU) as a model for other countries in the region. It is now expected to come into force later this year at which stage the proposed Telecommunications Authority will deal with licensing and regulatory matters.

### **9-1-1 EMERGENCY COMMUNICATIONS**

Ongoing training is the focus this year of 911 which will be hosting a training course co-sponsored by the Pan American Health Organisation, open to all emergency services personnel to equip them to assist not only in the operations centre but out in the field.

### **AIDB/HDC**

The availability of housing for lower income Caymanians continues to be a key priority area of the Ministry and the Government as a whole. Last year, the Ministry appointed a Committee to look into this housing issue and it is expected that the Committee will submit a report on its findings and recommendations by April.

As evidence of the Government's commitment to being more proactive in dealing with housing issues, CI\$1 million was voted for the creation of a housing fund at the last meeting of this Legislative Assembly. Guidelines for the use of this housing fund are expected to be released by the Ministry in the near future.

The Ministry has appointed the Housing Development Corporation to act as executing agent in the administration of the Government Guaranteed Home Mortgage Scheme. The transfer of this responsibility to the HDC should take place by the end of the first quarter.

### **DEPARTMENT OF AGRICULTURE**

The Department of Agriculture intends to exploit the theme "Learning from our past ... Building for the future" at the planned Millennium Agricultural Show scheduled for 8<sup>th</sup> March, 2000. This will be of a calibre like no other show has been in the past and will attempt to engage full participation from each of the three islands.

During this year construction of a slaughter facility that meets international standards will commence. Farm roads, which will improve access to agricultural land, will be constructed and the Department of Agriculture will conduct an Agricultural Census.

### **DEPARTMENT OF ENVIRONMENT**

This year the Department of Environment will implement a monitoring programme for Seven-Mile Beach, which will collect data needed to make management decisions regarding this important natural resource.

The Department will also complete preparation of draft comprehensive environmental legislation with which to address the environmental issues the Cayman Islands currently face.

## **DEPARTMENT OF ENVIRONMENTAL HEALTH**

This year the Department of Environmental Health will begin preliminary site preparation for the new lined landfill proposed for Cayman Brac.

The Department will present an Alternative Systems Analysis to Government in March, which will address:

- current waste collection and disposal practices;
- projected growth in waste generation; and
- recommendations on how to manage waste in Grand Cayman in the future.

The upgrading of the waste collection fleet will allow the Department to develop a regular collection service for bulky wastes. This curbside collection programme will serve to replace the annual island-wide cleanup campaigns with more frequent removal of bulky items.

The Department will develop and implement a comprehensive surveillance programme for public and commercial swimming pools and spas, including preliminary steps toward operator certification.

## **MOSQUITO RESEARCH & CONTROL UNIT (MRCU)**

The Mosquito Research & Control Unit will develop and introduce a more efficient type of aerial spraying system against biting mosquitoes, using extremely small amounts of insecticide and eliminating the need for a carrier such as diesel fuel. The Unit will also expand the use of solid larvicide pellets targeting the aquatic mosquito stages before they can emerge as biting insects.

The Department will also, during this year conduct a review of mosquito control services on the Sister Islands.

## **LANDS & SURVEY DEPARTMENT**

This year will see the publication of the first ever Street Atlas of the Cayman Islands, and the launch of the Department's Website – initially to provide information about the Department and its services, then to deliver some of those services electronically, and finally to establish access to a National Land Information System.

## **POSTAL DEPARTMENT**

Postal history will be made this year with the opening of two replacement post offices in Bodden Town and East End. Future plans include new replacement post offices at West End and Savannah.

The Post Office aims to capture the youth philatelic market through a stamp issue based on the popular United States Children Television Workshop "Sesame Street."

## **WATER AUTHORITY**

The Water Authority will continue work on the East End Water Supply Extension this year and it is thought that piped water will be available up to Gun Bay by the end of this year, and will extend to Morritt's Tortuga Club by mid-2001.

Design work will continue on a water production and storage facility in North Side, which is expected to be operational by December 2001.

Construction of the Grand Cayman Wastewater Treatment Works to replace the existing waste stabilisation pond system behind the Government land fill site is expected to commence in June.

The high growth in demand for drinking water, averaging about 16% per year, requires that the Authority continue to invest in capital projects such as the Lower Valley Reverse Osmosis Plant Expansion, Cayman Brac Water Supply Expansion, and the North Side Water Works Project.

## **CAYMAN TURTLE FARM**

The Farm will continue with the implementation of the Master Redevelopment Plan with upgrades to the visitor-areas being undertaken this year. Development of the Farm's website at [www.turtle.ky](http://www.turtle.ky) will continue and a wider selection of the merchandise currently offered in the farm's retail store will be made available on-line.

---

## **MINISTRY OF TOURISM, COMMERCE, TRANSPORT AND WORKS**

---

The Ministry having assumed responsibility for Electronic Commerce established an E-Commerce Advisory Board, which is comprised of public and private sector members.

The Board has been meeting weekly to provide input on our Electronic Translation Bill. It is the goal of the Ministry and the Board to present legislation at this meeting of the Legislative Assembly.

## **TOURISM DEPARTMENT**

Efforts this year will focus on a renewed presence in the US market with emphasis placed on building and maintenance of relationships with key media and marketing partners.

Information Technology will focus on further enhancement of the Department of Tourism's Internet strategy. This e-business initiative will expand our current Internet communications infrastructure from just a consumer based information site to include specialised tools for Travel Trade and Media.

## **PUBLIC WORKS DEPARTMENT**

### Capital Building Works:

The major capital building projects scheduled to be completed this year include:

- the male cell block extension at Northward Prison,
- Phase 1 of the Breakers Drug Rehabilitation Centre,
- the Bodden Town district post office,
- the Airport and Frank Sound district parks; and

- the West Bay public beach jetty and launching ramp.

Construction will also commence on the final phase of the new hospital project to provide new facilities for mental health, geriatric and hospice care.

Major new capital projects planned to commence this year include:

- office expansion to the Customs headquarters,
- Phase 2 of the Breakers drug rehabilitation facility;
- the East End Post Office;
- the West Bay civic centre and hurricane shelter,
- public washroom facilities at the Colliers public Beach;
- a hurricane resistant upgrade to the Owen Roberts International Airport for the Civil Aviation Authority permitting it to be used as a hurricane shelter; and
- irrigation systems to the Ed Bush and Truman Bodden sports complexes.

### **ROAD WORKS**

The island-wide main road re-surfacing programme that commenced in 1999 will continue as will the programme of residential road improvements.

In the Capital Programme, Phase 1 of the Crewe Road Bypass that commenced last year will be completed, consisting of approximately 1.5 miles of road from near the Lions Centre running to the south end of Bobby Thompson Way. Improvements will be carried out also at the Crewe Road/North Sound Intersection and the Shamrock Road/South Sound Road Intersection.

Planning, design, gazetting and land acquisition will be carried out for two major sections of road, phase three of the Harquail Bypass from the Hyatt area to SafeHaven, and the Crewe Road Bypass to the Harquail Bypass Connector. Construction of these two roads will be carried out in 2001.

### **VEHICLE & EQUIPMENT SERVICES**

This year the department will focus on improving customer service and giving improved value-for-money. Specific emphasis will be placed on reducing vehicle/equipment down time.

Construction of two additional bays of workshop space is expected to commence during the first quarter of this year and will allow for the more efficient preventative maintenance of large refuse collection vehicles and heavy-duty dump trucks.

### **FIRE SERVICE**

The Fire Service attended and dealt effectively with 747 fires and other incidents in 1999.

It will continue to give priority to the development of its human resources and four Middle Managers and Supervisors will be attending advanced courses in fire fighting and rescue at institutions in the United Kingdom this year.

It is anticipated that land will be acquired this year in Bodden Town for the establishment of a sub-fire station for that area since the response time from the George

Town and/or Frank Sound Stations is not considered acceptable.

### **PORT AUTHORITY**

The Port Authority in Grand Cayman handled 235,000 tons of cargo last year, an increase of 6.3% over 1998.

Plans have been finalised to construct a billing office at the Cargo Distribution Centre. This will provide much needed space for staff and improve the Port Authority's customer service.

Engineering plans to expand the dock facility at George Town in accordance with the Port Master Development Plan and the results of the required environmental studies for this project were submitted to the relevant Government authorities for approval.

The increase in cargo area will total 5.9 acres at an estimated cost of \$14.5 million, and the project will provide the physical facilities to accommodate the growth in cargo for the foreseeable future.

### **VEHICLE LICENSING UNIT**

A 'satellite' unit is due to come on stream in Bodden Town in the middle of this year to provide greater convenience to the residents of Bodden Town, North Side and East End.

---

## **THE MINISTRY OF EDUCATION, AVIATION AND PLANNING**

---

The revision of the Education Law 1983 has begun and it is hoped that the revision will reflect the increased emphasis on standards and accountability heralded by the introduction of the independent Schools Inspectorate, as well as the establishment of a National Curriculum, which is now well underway.

The Ministry intends to continue the National Training Initiative that began as a joint project with the Ministry of Community Development some years ago. A new Training Board will be convened to guide the formulation of a National Training Policy.

As part of this Initiative, the Ministry intends to set up a Career Advisory Centre which will expand on the services offered to high school graduates and others in the adult population. The Schools Careers Service will be strengthened and the Centre will also house the Secretary to the Education Council who administers the Council's Scholarship Scheme.

The Ministry is currently investigating the development of training standards, which establish goals towards which an organisation can work, and benchmarks against which progress can be measured.

The Ministry's Vision Office will actively promote a partnership between its Ministry and the private sector, and government generally, as it seeks to fulfill its part in Phase One of the 10 Year National Strategic Plan. The first project to come under this umbrella will be an Education Initiative entitled Cayman Public/Private Partner-

ship In Education (CP3E) which is being spearheaded by the Department for International Development (DFID) (Caribbean) and seeks to encourage ways and provide models for private sector involvement in the public education system.

Cayman's CP3E which is already meeting will link the schools, both public and private, parents through the National PTA organisation, and the private sector through the Chamber of Commerce. In the early days the focus will be on preparing students for the world of e-Commerce. To this end, the Chamber's e-Commerce sub-committee on Education & Training will play an important part in developing partnerships in the area of information technology.

Growth management is the pivotal strategy in Vision 2008. It is hoped to convene a Growth Management Board that will expand on, and eventually supersede the Large Projects Advisory Board established a few years ago.

### **EDUCATION**

The Education Department is continuing with the implementation of the Strategic Plan that was developed and approved in 1995, and held its annual update in 1999. Site based planning at all schools is continuing and the last two schools will finish their plans before the end of this school year.

The National Curriculum continues to be developed with Key Stage 3 and 4 being crafted in Maths, Science and Language Arts. Textbooks for years 1 - 6 have been developed in Social Studies and they should be ready for distribution to schools during this school year. A comprehensive plan for the inclusion of vocational education will be developed for those students not interested in a traditional college education.

Four Caymanian teachers are currently studying in the United States and the United Kingdom and will return to our schools in September with enhanced qualifications. High quality in-service training for all teachers remains a high priority.

The capital works programme is continuing with the completion of a number of projects including:

- the administration block at Red Bay Primary School;
- a two classroom block at East End Primary School;
- the school hall and hurricane shelter at John A Cumber School; and
- the kitchen facility at George Hicks High School will be operational before the end of the Easter term.

Plans have been drawn for two new primary schools and construction on one will commence during the summer of this year and the other will start in the spring of 2001. The Lighthouse School will open in the fall of this year and will be fully completed early in 2001. Development work has commenced for a new high school and plans will be initiated later in this year, with construction set to begin in 2001.

All Primary Schools on Grand Cayman and Cayman Brac have been air-conditioned and work will commence on finishing the air-conditioning of all secondary classrooms.

Education services have been initiated on Little Cayman. A trained teacher is holding regular classes for two children in space created in the Hurricane Shelter. This programme will enable workers with school age children to move to Little Cayman.

The Education Department has initiated a self-study as a prelude to inspection by an experienced United Kingdom inspector to take place in the second quarter of this year.

The Education service continues to meet the increasing challenges of a rising school population that is demonstrating more and more social problems that affect the society at large. School programmes are being expanded to include more before-school programmes as well as after-school activities.

Four schools are scheduled for inspection by the Schools Inspectorate during this year and it is anticipated that two schools will be re-visited to monitor developments pertaining to their action plans.

A Senior Management Training conference is planned for July and the appointment of an additional Senior Inspector, with expertise in special needs, is anticipated during the year.

Enrolment at the Community College of the Cayman Islands continues to grow with more than 225 students enrolled in the associate degree programme. These students are gaining ready admissions to overseas institutions and those attending American universities are awarded two years of advanced standing.

The Agriculture and Industrial Development Board (AIDB) continues to administer loans under the Ministry of Education's Guaranteed Student Loan Scheme and 129 students are presently on scholarships.

### **AVIATION**

The Civil Aviation Authority will seek to implement various recommendations made by visiting aviation inspectors so as to further enhance the Authority's compliance with international standards and recommended practices. This will include the establishment of a Dangerous Goods Inspectorate, an in-house Telecommunications Maintenance unit and an Aeronautical Information Service office in Cayman Brac.

The express cargo business has increased significantly with five companies now operating between Grand Cayman and the United States. It is therefore intended to establish an exclusive express cargo facility to accommodate and service this type of operation.

The Gerard Smith International Airport runway rehabilitation project will be undertaken this year, involving a complete asphalt overlay of the runway taxiway and apron.

### CAYMAN AIRWAYS LTD.

The new Cayman Airways schedule to become effective in April has tentatively scheduled 13 flights per week to Cayman Brac which will address the local markets' needs for day trips to and from Cayman Brac and will provide a much improved cargo service. This year Cayman Airways should fully repay the loan for one 737-200 aircraft and own it debt free. The third 737-200 aircraft enters into service shortly.

### PLANNING

The Planning Department will continue to focus on improving the processing of development applications and making the everyday services it provides more readily available to the general public. The plan review process will be improved by the addition of a plans review examiner.

By introducing online services with the creation of a new departmental website many customers will be able to get information and service without having to make a trip to the Tower Building. This will enhance the efficiency of the department while creating a more enjoyable and timely experience for the customer. In the end, these new services will save time and money in development costs.

---

## **MINISTRY OF HEALTH, SOCIAL WELFARE, DRUG ABUSE PREVENTION AND REHABILITATION**

---

The Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation will continue to place emphasis on the implementation of the Strategic Plans for Health and for Drug Abuse Prevention and Rehabilitation.

The following legislation will be presented to the Legislative Assembly for approval:

- Revised Regulations to accompany the Health Services Fees Law 1999
- A revised Mental Health Law
- A revised Health Practitioners' Law and accompanying Regulations
- A revised Children Law and accompanying Regulations
- A revised Adoption Law

### SECURE/REMAND/DRUG REHABILITATION YOUTH FACILITY

The Ministry will oversee the commencement of construction of a Secure/Remand/Drug Rehabilitation Youth Facility.

### STRATEGIC FINANCIAL PLAN FOR THE HEALTH SERVICES DEPARTMENT

The Ministry will oversee the consolidation and implementation of a Strategic Financial Plan for the Health Services Department.

### DRUG ABUSE PREVENTION AND REHABILITATION

Renovation of the main house of the Hawley Estate in Breakers will be completed and a residential treatment centre named Caribbean Haven, including a Half Way House facility and a day treatment programme, will be opened to serve the needs of addicted persons in the Cayman Islands.

Design planning will commence on a stand-alone counselling centre allowing more treatment options for addicted persons on Cayman Brac.

Efforts will continue with other agencies to enable the implementation of a programme to help eliminate drinking and driving.

The Cayman Islands Student Drug Use Survey, first administered in 1998, will be repeated this year by the National Drug Council (NDC) to identify any emerging or changing trends in order that policy may be set to address them.

The National Drug Council, with the co-operation of the Ministry of Sports, the Social Services Department and the Royal Cayman Islands Police (RCIP) will establish the first of five drug, alcohol and tobacco free youth centres where young people can spend time after school.

A solvent-abuse strategy will be implemented to identify problem-products and control access to them by potential abusers.

The National Drug Council will continue to ensure that Cayman Brac and Little Cayman will participate in all programmes and initiatives.

### HEALTH SERVICES

Emphasis will be placed on the Quality Assurance Programme and patient satisfaction programmes to enhance the quality of health care services provided to the community.

Construction of In-Patient Mental Health and Geriatric facilities will commence this year on the site of the Cayman Islands Hospital.

A Health Needs Assessment for the Cayman Islands will be conducted. The findings of the assessment will inform the Strategic Plan for Health.

The Health Services Department (HSD) will continue to promote health and well being through community health education programmes which will target particularly cancer, diseases of the circulatory systems, sexually transmitted diseases and other lifestyle related illnesses.

The establishment of the Cayman Islands Cancer Network will assist in the coordination of the wide spectrum of disciplines and voluntary organisations in providing care and treatment services for cancer patients.

The Health Services Department will significantly increase its revenue collection through enhanced staffing levels and improved computer systems in the Accounts Department. The Department will vigorously pursue outstanding debts in collaboration with the Treasury and the Legal Department.

Work will commence on the design plan for a new District Health Centre for George Town. The provision of Dental services and eye care services will continue to be strengthened.

The appointment of an Administrator for the Sister Islands Health Services will improve the efficiency of the administrative functions.

The appointment of a Human Resource Manager for the Health Services Department will improve the efficiency of the administrative functions relating to staffing and staff development.

### **SOCIAL WELFARE**

The Social Services Department will direct the majority of their efforts to assist the children of the Cayman Islands in the following ways:

A comprehensive National Parent Training Programme will offer training to 15 foster parents once these have been recruited and approved.

Summer programmes with recreational, educational and cultural activities will be provided in August in every district of Grand Cayman and in Cayman Brac to help counteract inappropriate behaviour in juveniles.

The Department will provide 30 workshops and presentations to the community on such subjects as child abuse, domestic violence, child neglect and other social issues of concern.

The Department will set up two pilot projects for Adult Day Care in Bodden Town and North Side for up to 18 indigent, elderly and adult disabled persons.

The Department will provide aftercare services to 50 adults in areas such as counseling, work preparedness and follow-up after their release from prison in order to assist them to reintegrate into society and reduce the risk of re-offending.

---

## **MINISTRY OF COMMUNITY AFFAIRS, SPORTS, WOMEN, YOUTH AND CULTURE**

### **CAYMAN BRAC AND LITTLE CAYMAN**

Nature Tourism has been enhanced with the improvement of historic trails nature sites and wildlife areas. National park quality signs have been installed at various sites and access stairs on four historic trails up the north bluff face are now in place.

The Department of Tourism, Sister Islands Tourism Association (SITA), and Sister Islands Administration are marketing this new attraction, which I had the pleasure of opening on 29<sup>th</sup> January 2000. In early March a world-renowned photographer, writer and ornithologist will be visiting to assist in promoting the Nature Tourism aspects of Cayman Brac.

A further initiative to encourage back office work to be transferred from Grand Cayman to Cayman Brac will be proposed. A study is already underway to determine the feasibility of setting up an Informatics Centre in Cayman Brac.

The Police Station in Little Cayman will be completed by the end of June 2000 and the accommodations and workshops for the Public Works Department will also be completed this year.

### **COMMUNITY AFFAIRS**

During this year the Ministry will liaise with the Ministry of Health to see how efforts can be combined to strengthen communities using the Community Development Officers, Community Development Action Committees and District Beautification Committees.

Monthly financial assistance to 574 ex-servicemen was increased in January 2000 from \$250 per month to \$400 per month.

### **CULTURE**

In keeping with Vision 2008, the Ministry will establish a cultural policy to serve as a blueprint to cultural development. The Ministry will continue to ensure that Caymanian heritage is maintained and fostered throughout the school system, with the assistance of staff and volunteers at the National Gallery, National Cultural Foundation, The National Museum, and the Performing Arts Co-ordinator, the National Archive, teachers and assistants in the schools.

### **ART DEVELOPMENT**

The third Arts Scholarship will be offered by the Ministry this year enabling the recipient to attend an accredited university to pursue an arts degree starting in the fourth quarter.

### **CAYMAN ISLANDS NATIONAL MUSEUM**

This year will be a very busy year as the Museum implements its five-year strategic plan, celebrates its 10<sup>th</sup> Anniversary, and focuses on increased services. The Museum's 10<sup>th</sup> Anniversary in November will be celebrated with a new programme of exhibits, events, publications, and much more.

The year's key objectives will include providing a Traditional Thatchwork Apprenticeship Programme for Caymanian masters and apprentices, in conjunction with the National Gallery.

A Museum Education Plan will be drafted so as to complement the public and private schools' curriculum as well as continuing adult education.

### **CAYMAN NATIONAL CULTURAL FOUNDATION**

The National Cultural Foundation will expand research and development for this year. Diverse cultural training programmes in the literary and performing arts will continue to be offered.

The fifth annual Cayfest will be held and a Cayman Contingent will travel to St. Kitts/Nevis to participate in Carifesta, the Caribbean Festival of Arts.



### **CAYMAN NATIONAL ARCHIVE**

The National Archive's programmes to acquire, preserve, and give public access to the country's archival heritage will continue to grow during this year.

Dr. Michael Craton's preparation and revision of the history of the Cayman Islands will continue and arrangements will be made to publish the completed manuscript.

### **PUBLIC LIBRARY**

This year, the Public Library will open a branch library in the newly renovated former town hall in Bodden Town, which will be open thirty hours per week and offer a collection of books, periodicals, audiocassettes and videocassettes for both adults and children.

A plan for future automation and networking within and between George Town Public Library and the satellite libraries in Cayman Brac, East End, North Side and Bodden town will be developed.

This year the Public Library Management Committee and Friends of the Library subcommittee will continue to explore all options for increasing the size of the George Town Public Library.

### **NATIONAL GALLERY OF THE CAYMAN ISLANDS**

This year the National Gallery will continue to put emphasis on its educational mission through six exhibitions, 24-30 workshops, four to six slide/lecture presentations and three art events.

### **LABOUR AND LABOUR RELATIONS**

The five Labour Tribunals have significantly reduced the backlog of unresolved complaints to the extent that the backlog could be cleared by the end of this year.

Project-Prepare activities towards the rehabilitation of prisoners were abruptly curtailed near the end of 1999 as a result of the troubles at Northward Prison. Some rehabilitative efforts have now resumed at the prison and it is planned to significantly increase classes in various skills as the situation returns to normal.

A Labour Inspector/Accountant's post has been approved. This officer will primarily deal with all establishments collecting gratuities to ensure compliance with the Law.

### **NATIONAL PENSION LEGISLATION**

The Office of the Superintendent of Pensions will maintain and apply registration processes for new pension plans and renewal procedures for ongoing pension plans. It will create and maintain procedures to identify and penalise defaulters.

### **YOUTH**

This year the Ministry will continue to develop a comprehensive National Youth Policy by refining the

draft Policy and developing a Plan of Action for Implementation. The Government will facilitate the smooth transition from policy formulation to implementation by restructuring the existing Sports Office to become a Department of Youth and Sports, thereby acquiring the necessary resources to carry out the recommendations. It is expected that the National Youth Policy will be presented to the Legislative Assembly in June.

### **SPORTS**

It is anticipated that this year will be a good one for sports both on the international and local scene. Internationally, we look forward particularly with eager anticipation to the Olympics Games in Sydney, Australia and our medal hopefuls. Locally, improvements in our field-maintenance programme and sporting programmes will continue to be made.

The Ministry will continue to develop and upgrade sporting and recreational facilities in Grand Cayman and Cayman Brac and will review and upgrade the National Sports Policy for the Islands.

Through its provision of full and partial sports scholarships and grants, receptions and awards ceremonies, as well as through the sponsorship of a Goodwill Ambassador for the Cayman Islands, the Ministry continues to promote sports and recognise the efforts of our athletes.

### **WOMEN**

The Ministry will be undertaking this year the development of a National Policy on Gender Equity and Equality with the assistance of an External Advisor.

The Women's Resource Centre will continue to provide information and education to enhance the status of women and families by way of programmes and a monthly newsletter. In order to provide private rooms for clients and in response to the growth experienced over the past year, the Women's Resource Centre will be expanding into the adjacent office space.

### **CONCLUSION**

Mr Speaker and Honourable Members, as I conclude my first Speech from the Throne, I should like to record my thanks to the many persons who were involved in providing me with the material for it.

As you embark on the First Meeting of the new Session of the Legislative Assembly, I pray that Almighty God will bless and guide your deliberations. May He always direct and prosper the people of these beautiful islands.

---

**DEPARTURE OF  
HIS EXCELLENCY THE GOVERNOR**

*Serjeant-at-Arms (Mace-bearer)*  
*The Speaker*  
*His Excellency the Governor*  
*Mrs. Smith*

**The aide-de-camp**  
*The Acting Chief Justice*  
*Mrs. Graham*  
*Mrs. Kirkconnell*  
*Minister*

#### HOUSE RESUMED AT 10.57 AM

**The Serjeant-at-Arms:** Mr. Speaker.

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

I call upon the Honourable Minister for Agriculture, Communications, Environment, and Natural Resources.

#### MOTION FOR DEFERRAL OF THE DEBATE ON THE THRONE SPEECH

**Hon. John B. McLean:** Thank you, Mr. Speaker. Mr. Speaker, I am pleased to move the following motion:

“BE IT RESOLVED that this Honourable Legislative Assembly record its grateful thanks to His Excellency the Governor for the Address delivered at this meeting.

“BE IT FURTHER RESOLVED that the debate on the Address delivered by His Excellency the Governor be deferred until 23 February 2000.”

**The Speaker:** I shall put the question: Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The motion is passed.

**AGREED: THAT THIS HONOURABLE LEGISLATIVE ASSEMBLY RECORDS ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR THE ADDRESS DELIVERED AT THE MEETING;**

**AND BE IT FURTHER RESOLVED THAT THE DEBATE ON THE ADDRESS DELIVED BY HIS EXCELLENCY THE GOVERNOR BE DEFERRED UNTIL WEDNESDAY, 23<sup>rd</sup> FEBRUARY 2000.**

**The Speaker:** We have concluded the business on the Order Paper. I will now ask the Honourable Minister for Education, Aviation and Planning to move the adjournment of this honourable House.

#### ADJOURNMENT

**Hon. Truman Boddén:** Mr. Speaker, I move the adjournment of this Honourable House until Wednesday, 23 February 2000, at 10:00 AM.

**The Speaker:** The question is that this Honourable House do now adjourn until 10:00 AM on Wednesday, 23 February 2000.

Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The House stands adjourned until 10:00 am Wednesday.

**AT 11.00 AM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 23 FEBRUARY 2000.**

**EDITED  
WEDNESDAY  
23 FEBRUARY 2000  
10.25 AM**

*[Prayers read by the Elected Member for North Side]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have apologies from the Honourable Third Official Member responsible for Finance and Economic Development, who will be arriving later this morning. The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture is overseas on official business.

Moving on to item number 3 on today's Order Paper, Government Business. Commencement of debate on the Throne Speech delivered by His Excellency Mr. Peter J. Smith, CBE, Governor of the Cayman Islands, delivered on Friday, 18 February 2000.

The Third Elected Member for Bodden Town.

**GOVERNMENT BUSINESS**

**COMMENCEMENT OF DEBATE ON THE THRONE  
SPEECH DELIVERED BY HIS EXCELLENCY MR. PETER  
J. SMITH, CBE, GOVERNOR OF THE CAYMAN  
ISLANDS ON FRIDAY, 18 FEBRUARY 2000**

**Mr. Roy Bodden:** Thank you, Mr. Speaker. I suppose it is somewhat customary for me to lead off at these times.

I suppose it is appropriate to begin by saying that the speech delivered from the Throne by His Excellency the Governor, Mr. Peter John Smith, on 18 February 2000, was momentous in that it was the speech which sets the course of these islands into the 21<sup>st</sup> Century. Last year's Throne Speech led us up to that time; this speech leads us into that century. As a result, it should carry even greater significance, as there were several important things outlined, as well as a number of new challenges which the Cayman Islands must work toward surmounting.

It was also the first such speech for the Governor, and he remarked that he is impressed with the depth and breadth of excellence and quality of so many facets of national life here in the Cayman Islands. It seems that our way of life, our style, has left an impression upon him which, one could say, will not easily go away. Quite early in that speech he also cautioned that with success comes certain responsibilities, an allusion to the chal-

lenges he sees facing the Cayman Islands as we try to bridge the past with the present.

He outlined some of those developments. He talked about the concern that some members—myself included—had about the health of the National Strategic Plan under the Vision 2008 logo. So, I would like to take that as the formal launching point of my contribution to this throne speech.

The Vision 2008 exercise was embarked upon with, one could say, national enthusiasm. The results were widely accepted. They were certainly accepted by every honourable member of this House, and honourable members now look forward to the second phase, which is the implementation phase. I might add that is really the challenging phase because it is at this phase that we have to begin prioritising.

Clearly, planning is the first step. The most intricate, important and challenging step is the implementation of such plans, for it is in the implementation that we are beginning to quantify what the country is going to have to cough up in terms of money. As a result of being in a position to quantify the plans we have seriously to begin to prioritise and come up with a list of what goes in which order.

This is the challenge. The exercise conducted thus far has been relatively free of politics and political jockeying. I believe that for the country to achieve the best result, the implementation will have to continue on that course. So, it is incumbent upon us, particularly so for the successive government, that we arrive at a clear headed apolitical position that is unemotional when it comes to prioritising what we want for our country, particularly in the next eight years.

Those persons who had direct responsibility for spearheading the movement thus far should be complimented. Those persons who participated in the exercise in terms of questionnaires and verbal feedback should also be complimented. I hope that the enthusiasm experienced during the first stage can continue because the success of the plan is incumbent upon the enthusiasm of the participants and the country as a whole.

In his throne speech, the Governor announced that he would be appointing an executive director within the next six to eight months. Up to this point, the plan had been managed under the auspices of the honourable Leader of Government Business, the Minister of Education and Planning. Although some of us had misgivings at the beginning, I have to say that the plan was managed in such a way that no one could justifiably accuse the minister of interfering politically in the plan thus far. I suppose in fairness, while I have often been quick to criticise (and I will continue to criticise), I like to be candid. So, I have to give him some plaudits too. He managed to keep it above politics. Not that that would necessarily be bad under all circumstances, but I believe that it

was absolutely essential for him from the outset to keep it at the elevated level he did.

At some stage, the implementation of the Vision will become political. But by that time I envisage it as being so mature that it could withstand any criticism.

So, the minister should be commended for what he has done so far. I don't know where it will go from here in terms of the executive director, but I have every confidence that the person appointed by the Governor will be quite capable of implementing it. I look forward to my participation, and I certainly will encourage anyone whom I can influence to participate fully because it is to this plan that we look for the future of the Cayman Islands.

The Governor also mentioned the public service. At this time it is interesting in more than one way to note the developments in the public service. The public service of the Cayman Islands is a mature, efficient and dependable organisation that is experiencing some growth. As a result, we are beginning to see a little cut and thrust at this time. I am not frightened about that because any organisation that is dynamic has to manifest such cut and thrust at times.

One of the reasons I believe that is so at this time is that the public service is getting what I consider a new breed of public servant—a public servant who is more than likely to be a university graduate; a public servant who is younger, more assertive, more ambitious and who is probably less patient in terms of upward mobility. As a result, I think the managers of the public service, the Personnel Department, perhaps the Public Service Commission, the Department of Internal and External Affairs, will need to be flexible, tolerant and understanding. It goes without saying that the Governor, as the head of the civil service, will also need to be aware of these things and will also need to exercise some flexibility and tolerance.

One way that I think the service can maintain its sound base and continue to improve is to promote the understanding that the public service is a specialist service, a service which operates on precedence, a formal service in that there is a prescribed method of behaviour. From my perspective, what needs to be done is to ensure that young graduates entering from university and college understand that having a degree and academic qualifications is to be encouraged and is appropriate and sometimes downright necessary. But by the same token, the public service is a specialist service where academic qualifications work best in tandem with experience and a knowledge of the prescribe procedures of the public service.

It is not unlike the diplomatic corp. One could go to school and take all kinds of degrees in international relations, but one has to actually experience and learn the desired behaviour. We are to be commended because we are getting a younger, smarter public servant. But, by the same token, we have to inculcate in them a sense of responsibility, patience and that what much of the public service is about is unfortunately not learned at university or academic lecture halls, but comes as a result of understudy and experience.

There are some other issues that we will have to address and that is this whole business of the parity between those persons recruited locally and those who are contracted from overseas. It is absolutely essential that we have this understanding and that there is some sense of parity. We are a colony. So, we have a special challenge. Some of the officers who work in the public service are recruited. Their colonial background will likely be challenged by persons who are recent graduates and who are assertive and look forward to rapid upward mobility. But they find themselves frustrated because the person senior to them is sometimes from overseas.

I think that this challenge has begun to manifest itself. There was something in the media recently about some contracted officers' supplement and some (as the Jamaican people describe it) restiveness among certain elements of the civil service. I think the management needs to be very careful how they deal with this matter because it is a delicate matter. The service should not be put in a position where any particular element is demoralised as a result of the way the situation is handled.

I am confident that the persons who have to deal with it are aware of these challenges and are eminently equipped and experienced to do so. I look forward to the matter being handled in way that is satisfactory to both parties. As you know, people on my side of the fence can dip into those kinds of matters. But we all have an interest in how the country is run. So I would like to reiterate that I have every confidence that those persons who are assigned to handle the matter will do so in the best interest of all concerned. I look forward to reading of the continued prosperity of the public service.

I come now to one of my pet subjects. His Excellency has also announced that he has given instructions for legislation to be drafted in anticipation of putting into effect the office of Ombudsman. Mr. Speaker, I am proud to associate myself with those efforts. You will pardon me for blowing my trumpet loudly, but I would like to say that Private Member's Motion No. 5/89 was brought to this honourable House by this member, the Third Elected Member for Bodden Town, seeking for the then government to establish an office of Ombudsman.

I believe that at this time in our development we are ripe for the establishment of such an office. Certainly, such an officer can enhance the orderly progression, development, and growth of the civil service. But, beyond that, such an officer can also enhance an understanding of the public service and can be a liaison between the public service and the persons whom they serve.

I believe that this is a progressive step and I welcome it. As I said, it had my support from 1989. More recently, the First Elected Member for George Town and I brought the motion back again. We were not as successful as we desired to be, so I am happy now. I would caution against anyone believing that the Ombudsman is going to be able to effect miracles.

One has to remember that the establishment of the office of such a nature will carry with it certain challenges, not the least of which has to do with the establishment of tradition. The problem is that certain practices that have been established are going to resent being

challenged. I envisage that the Ombudsman will have to be sufficiently mature, experienced, and perhaps have some diplomatic skills as well to get around these obstacles.

It is usual for an Ombudsman to be someone with a legal background. Indeed, my model is a respected retired jurist of longstanding service. But it is not absolutely essential. Indeed, I would suggest that it may be best in our case not to seek to appoint someone with a legal background because I think what we want is to get someone who is able to take the broadest view possible of the circumstances faced. So, it is not farfetched to think that a senior civil servant of some long years' retirement might be someone to be considered.

In Ontario, they had a retired jurist by the name of Arthur Maloney, when the office was first set up. This gentleman was commissioned to do an investigation. I think it was 1976 or 1977. The investigation severely embarrassed the Provincial Government of Ontario. As a result of that embarrassment, the government did not vote any money for the office of Ombudsman in the next budget. So, Mr. Arthur Maloney was out of a job. But there was an election in 1978 and because of his popularity, and the government's behaviour, they lost the election.

Establishing an office of Ombudsman is going to be one of many challenges. While the Ombudsman does not have any powers of prosecution (because the Ombudsman reports to Parliament), in many cases if the government is not careful it could be under severe embarrassment and there could be conflicts and struggles. I would like to see our office set up much like the Auditor General's office, where he is independent. No government has the ability to shut off the Ombudsman. By doing that we remove the office from a certain amount of political interference.

Many of the countries in the Caribbean, Trinidad and Tobago, Jamaica, Guyana, have it established. In other larger Commonwealth countries, New Zealand, Australia, it is familiar. In Britain it is called a Parliamentary Commissioner. Personally, I prefer the name "Ombudsman." To me "Parliamentary Commissioner" does not have the same effect. It does not connote the importance of the office.

In the last Throne Speech, I remember vividly suggesting that the time had come for us in the Cayman Islands, for various reasons, to take a closer look at simple possession of a drug like marijuana. We do not seem to be successful in curtailing its use. As a result, more of our young people are being incarcerated for possession. I suggested that in some countries there is a move towards de-penalisation. I want to stress: de-penalisation, not de-criminalisation. I suggested that's what we should look forward to in the Cayman Islands, de-penalisation.

If we continue to send to prison young people convicted on simple possession, we are going to find that we are not only disenfranchising a whole population, but we are also placing them in a position where they may not be able to access proper drug counselling.

It's interesting that this view is not unique to my thinking. I want to stress that I am not advocating any de-

criminalisation. I believe that people caught with drugs, however simple the possession, deserve to have a criminal conviction if found guilty. But what I have certain reservations with is sending them to prison.

The Dutch have been the most liberal interpreters of this kind of behaviour. But *The Economist* magazine of January 15 to 21, 2000, says on page 55, "In Britain a Police Foundation report has advocated major changes to Britain's drug laws."

Let me explain what the Police Foundation is. It is an independent research body that is partly funded by the home office. This committee has concluded that **"the 1971 Misuse of Drugs Act is arbitrary and inconsistent and imposes heavy demands on the criminal justice system to little public benefit. Its most controversial recommendation is that possession of cannabis should never attract a prison sentence, but should instead be subject to fines or other penalties."**

**"At present, possession of cannabis can be punished by up to seven years in jail [that is, in Britain]. The latest home office figures on sentencing indicate that about 500 people were imprisoned in 1977 for possession of cannabis; and yet trade in cannabis and its use is as an entrenched part of British life as Jack Straw, the Home Secretary, well knows. His own teenage son was caught offering to sell cannabis to two reporters a couple of years ago."**

**"Removing the threat of prison for possession of cannabis is technically described as de-penalisation, rather than de-criminalisation."**

I interject that at this point, because page 2 of the Throne Speech as read by His Excellency the Governor said, **"The Sentencing Advisory Committee established by the Chief Justice has submitted its recommendations on the Community Service Scheme to my office for promulgation and further consideration."**

I hope that in the not-too-distant future we take cognisance of steps like these, particularly as the British (to whom we look for so many of our laws and customs) are traversing this route. I believe that sending young people—some 17—to prison for simple possession is certainly not in the best interest of society in the long term. They are mixing with older, more experienced, serious offenders and there is really no formal guaranteed means to access for consistent drug counselling, which I think is necessary in those cases.

I am not talking about trafficking. I am not talking about dealing. I am talking about simple possession for personal use. I am not talking about someone who engages in a whole boatload of stuff. That's a different kind of serious behaviour. I am talking about de-penalisation for any person who has what can be considered an amount for personal use. I believe there can be more effective sanctions than prison.

What I would like to see is a system whereby these people can have access to appropriate regular and consistent drug counselling so that they can rehabilitate themselves. I hope that in this business of community service and alternative sentencing that we could take this model into consideration.

One thing that concerns me about our society is that it is changing in rapid and sometimes unpleasant ways. It's sobering. Every time I read or hear the news, particularly the police reports, it seems that we are being confronted with what I would term a new breed of criminal—people who are smarter, defiant, more violent—who challenge the social control forces to apprehend and bring to judgment. I suppose I shouldn't be surprised because very often this is the downside of the economic prosperity that these islands have been experiencing for so many years.

But I don't buy the argument that these cases are all a result of dysfunctional families. Few are the persons who come from ideal family circumstances. And all of us—myself included—can find any number of reasons to be delinquent if we so choose. Let me hasten to add that there is a breakdown, which is caused by any number of circumstances. Recently, the government commissioned a family study. Well, I have to express some disappointment in the way the end result was handled.

As is usual, the government got the study and then seemed to do nothing about it. I don't know if anyone even read it. I have certainly not heard of any implementation of the recommendations coming out of that family study. We have to come to the reality that the family in the Cayman Islands is in crises.

**Mr. W. McKeeva Bush:** Hear, hear!

**Mr. Roy Bodden:** I would go so far as to call upon the government to make the next decade the decade of youth and the family if we are to make any serious indentation in the social problems we are facing.

There is a clear breakdown. I am alarmed because in the 1950s when most Caymanian men were at sea, the women were left to raise the families. We never had these kinds of problems, nowhere near this scale, albeit the population was somewhat less.

Mr. Speaker, we are in a critical situation! And we cannot afford to write even one person off. We have to pull out all stops to save them. Years ago, when the First Elected Member for West Bay was Minister for Community Affairs, some strides were made. It seems that there is a discontinuity of efforts from one ministry to the next, from one person to the next, and a lot of this has to be politics.

This society is on the verge of collapse unless we can arrest this breakdown from where it is now. I mean, it is shocking to read about the kinds of crimes being committed. I would wager that Caymanians would not do certain things. Now, if I make such a wager, I run the risk of losing. Clearly, we have come face to face with a disintegrating and serious social situation, and it is made worse by the fact that the social control agencies do not seem to be capable of analysing and handling it. I want to dwell on this point because it is important.

Along with this breakdown, we seem to have a crisis of leadership because the State is faceless. We don't know who is in charge. And when the State is faceless, the State is impotent! I don't want to live in a police state, but I want to live in a *policed* state.

There is a void because clearly, anyone with any sense of reality will know that we really are not in control. I mean, there are too many incidents, one behind the other—one more serious than the other—happening recently and still happening. There are prisoners on the lam, people breaking out. We hear of all kinds of incidents. And yet, we are led to believe that all is well. Well, all is not well!

It is a multifaceted problem, and Social Services cannot do it alone. The police cannot do it alone. It has to have the efforts of the whole society. I want government to pay some credence to what I just said about making the next ten years the decade of youth and the family, otherwise we are losing the struggle.

Mr. Speaker, it's not the expatriates who are losing; it's not the tourists who are losing; it's all of us. Soon the Cayman Islands will be a society where we have to put burglar bars on every window.

**Mr. W. McKeeva Bush:** True!

**Mr. Roy Bodden:** I don't want to live like that. If I wanted to live like that I would emigrate to Puerto Rico, where when you go into the bedroom you have to lock yourself in with two locks, three locks, and a wrought iron gate. Is this what we are working for? And yet, I have to say that government, and the political arm of government, seems oblivious to this. Gangs in the schools . . . look up by Elizabethan Square on Friday afternoon.

There was a meeting in my constituency held by the First Elected Member for West Bay. And some of the things I learned about the behaviour of young people was shocking! People from the adjoining offices . . . school children. The schools were identified. I wonder why government can't do anything to keep them from congregating out there. Go out there on Friday afternoons.

A gentleman from an adjoining business complained to me about two years ago about it. And yet, the Minister for Education . . . no one else . . . Blind Bartemeus!

We have to investigate. Do we have constructive alternatives?

People give the excuse, '*Well, it's not just in the Cayman Islands.*' I have no business with what happens in the United States. I am not an American. I am not elected to represent Americans; I am elected to represent Caymanians! I am concerned about what is happening here, and I am saying it's not nice! We have to get to the bottom of it, and that's the responsibility of the government.

They have the mechanisms, they have the ministries; they must do something. I come back to my disappointment again: The Family Study was tabled and I saw no rush to implement any recommendations. I saw no rush for any follow-up; I saw no public discussion or forum on the outcomes.

We have always been a matriarchal society. I grew up in that kind of household. But the problem is compounded now by mothers having to work two and three jobs to make ends meet, and by kids who are called "latchkey kids" because they have keys to the apartment

or house around their necks like a pendant on a chain, and television is the babysitter. Well, we have to decide, and the government is the ultimate guardian of the society.

It is the responsibility of government to enlighten, inform, educate and curb. Otherwise we will have to be spending ever more money in the Social Services Department building more remand centres, hiring more drug counsellors until we get to the point where the whole budget is taken up in providing these services. And then, do you know what will happen? We will have to recruit even more people from overseas for the public service!

Is that the kind of Cayman we want? If not, we better take the next ten years and do something about it, beginning now!

It's a crisis of spirituality. I crave your indulgence to read something out of a book called *Greater Expectations—Overcoming the Culture of Indulgence in our Homes and Schools*, written by William Damon, who is a professor at Brown University. As I read this, I was struck. He is quoting another Harvard Sociologist, Daniel Bell.

I quote: **“The real problem with modernity is the problem of belief. To use an unfashionable term it is a “spiritual crisis” since the new anchors have proven illusory and the old ones have become submerged. It is a situation which brings us back to nihilism, lacking a past or future; there is only a void. The elevation of self and the loss of spirituality are not in themselves responsible for all misconceptions about childhood that prevail in contemporary society, but they have created a cultural context where the misconceptions have flourished. They have established a receptivity to ideas that once would have been ridiculed or dismissed as out of hand. They have desensitised us to the inane nature of some currently fashionable child-rearing practises. Moreover, these misconceptions about children have contributed to their own perpetuation for the consequences of the misconceptions have been precisely to promote self-centredness and a spiritual void in the generations of youth who have been raised in their wake.”**

We don't want to get into a culture of nihilism. But that's where we are heading because many of our children watch television unsupervised. They watch a station called the Black Entertainment Network (BET). As a black man, I am telling you that that station can't do anything for me. While I abhor censorship, I don't believe it can do anything for anyone else. And to turn our young people unbridled to watch that station is courting disaster believe you me.

I was driving down the road yesterday from my workplace on the Thomas Russell Roundabout, and I saw a young man in the middle of the day, in the hot tropical sun, in a black overcoat, with a sweater underneath it, wearing a bandanna. I was a schoolteacher. I studied sociology. I know what that is saying. I know the signals. I mean, in the tropics, in the middle of the day in an overcoat? Gang paraphernalia!

I spent some time in Panama in the 1980s. That was how Panama was when I was down there. You see the lorry pull up and the military get out. I bet there wouldn't be too many trench coats in the hot tropics after that!

These are the kinds of things we are confronted with, the kinds of breakdowns. And there seems to be some inability to deal with them. Providing constructive alternatives alone is not going to solve the problem because the problem has its basis in education, awareness, and informing. We have to get to the parents. That's why I like the way they do it in some other jurisdictions where when a child who is a juvenile delinquent and has to go to court, the parent has to go to court too. And if it can be proved that it is as a result of an abnegation of responsibility why the antisocial behaviour occurs, he gets sentenced and the parent gets sentenced. The child gets sanctioned and the parent gets sanctioned.

What is more important, to raise a productive citizen or to be wealthy and spend all your money on expensive defence lawyers? or on transportation to Northward Prison? or on expensive caskets? What's more important? We have to decide. As a nation, we have to decide.

Government has a responsibility to get these messages . . . sometimes there's no other way to put it but at it's most graphic. And we've had a couple of those. Heaven forbid that we have any more. And I worry because I am a participant in this society; I am a representative of the people. I see these problems firsthand.

What frightens me is that I am at the top of the plateau so I can only go down. Is this the kind of country I want to grow old in, Mr. Speaker? I had my chance at emigrating and I gave it up. Am I going to be sentenced to spending the rest of my life peeping through the blinds? And when I hear the news come on, turn up the volume to see whose name is called? That's not the kind of Cayman I want, Mr. Speaker. I would like this to remain the utopia that many of us have come to know. But we have to deal with these problems, so the challenge is in the government's lap.

We need to begin working now, and we need to take political persuasions out of some of the things we do and just do them because they need to be done. The very future of our society is at stake. That leads me to say that I don't see the solution in the importation of 24 new police officers from the United Kingdom. That's not the solution, and I ain't supporting it! We have to remember that when we import these people we are also importing problems.

I don't want anyone to get the slightest impression that Britain is without its problems in the prison system. The *Economist* of 8 January . . . and Mr. Speaker, I don't work for the *Economist* I just read it. It talked about some prisons in Britain and prison officers. Some of them are accused of doing some pretty serious things to prisoners including locking them in their cells for up to 23 hours, denying them work, educational and recreational opportunities. They have the same problems we have—overcrowding, rampant drug use, and appalling standards of hygiene in their prisons. So, I want to guard

against anyone believing that the solution is importing prison officers or police from the metropolitan country.

I believe that we have to create our own solutions to our problems because they are unique to the Caymanian society. We have to find a way to solve the problems ourselves because, believe you me, I listen, I hear. As much as I am a talker, I am an even greater listener. I know what is going to happen because people are already asking what is going to happen to the longstanding, longsuffering and long serving. There is going to be friction and tension. And people are going to fear being displaced. So, let us not believe that this importation is going to be the panacea. No, absolutely no!

It is going to cost us money. How much we don't know because no figures have been proffered to Finance Committee. It's an expensive solution. Even if it were going to work, and there's no guarantee that it is going to work, it's an expensive solution. The best solutions may be those that are less expensive, that are home grown, home crafted. There's no quick fix to these problems. That's why I say that we need a multifaceted effort to solve them. We need to give ourselves about ten years, and we need to keep measuring, planning and realigning. Otherwise, every couple of months we will have to bring 24 new officers and the whole society will be sociopaths and psychopaths.

What I don't want is any criminalisation of the Caymanian society. There is too great a risk that people from one particular section will always be the victims. I don't wish that, and we are not on the right track.

Mr. Speaker, were you thinking that this was time for a break, sir?

**The Speaker:** I can wait. I figured on 11.30.

**Mr. Roy Bodden:** Okay, sir.

So, the government must be clear thinking in the solution and must not succumb to moves of desperation and quick fixes.

When I think about the problems we are experiencing, I come to the realisation that the crux of the matter is that nobody told us that progress had a down side. Nobody told us that there would be plenty of dollars and plenty of jobs floating around—no unemployment—but there's a price for that. And that price is bumper-to-bumper traffic jams.

If I want to get to work at 8.30 in the morning, I have to leave my home at quarter to seven. If I leave any later, I don't reach work before 9.00. There is bumper-to-bumper traffic from Bodden Town to George Town. Nobody told us that. They told us, *'You're going to be able to sell your land. You're going to make lots of money, and there's going to be jobs galore.'* Nobody told me that if I didn't watch my son carefully he would be a delinquent and go on to greater and more serious things.

Nobody told me that if I didn't counsel my daughter she would become pregnant in her teen years. Nobody told me that. So lots of people were unprepared and didn't know how to deal with these things—and still don't know how to deal with them. When you get situations like that, people have to look for the solutions from the State.

But the State here is faceless; it's leaderless. It seems that it is incapable.

I don't know where it's going to end. Just like the solution to the traffic problem is not the building of more roads . . . because you know what Gresham's Law says: You build more roads, you are going to have more cars to fill those roads up. So if we build bigger prisons we are going to get more prisoners.

We are not doing a good job of managing what we have. Heaven knows what we are going to do when we get bigger. I am concerned about this whole business at the prison. One could say that I am a neighbour. I don't live very far from there. I think about these things, the riots, and all that stuff. We were unprepared. We are unprepared up to this point.

When we have these kinds of failures, someone has to assume responsibility. I don't necessarily believe that the solution to these kinds of problems is for someone's head to roll. But, you know, the Romans had a system: When a Roman General failed, he fell upon his sword. There's a certain sense of honour, commitment, and obligation. I am not suffering from the circus or amphitheatre mentality. I don't get excited by skulls and I won't call for that. But I am not satisfied. I don't feel good within myself that everything is under control because these scenes are following too closely one behind the other and I know when that happens that we are waiting for the same thing they are waiting for in California—the big one!

**Mr. W. McKeever Bush:** Yup!

**Mr. Roy Bodden:** I received a letter this morning, I am sure other members did too, from a concerned citizen about events at the prison, saying we were unprepared and should have been prepared. We have no rapid response unit.

Some things I hear I can't repeat for other reasons. But government needs to be aware that the social control forces need to be sharp. We need to work not only on the social services side, but we need to work on the other side. And the solution is not the importation of more manpower. History is rife with countries that made that mistake. It's a psychological war.

I said sometime ago that the time has now come for the police to get a full-time psychologist. The life of a police officer is a stressful life. When they get certain calls, it is not farfetched to think it may be the last call. When they go to confront some of these people who are serious anything can happen. I would like to see the police have a psychologist available to go to because this is a stressful, sometimes traumatic job. There must be someone they can sit down with to seek counsel, to make them feel good about themselves and about their job. Also, that would be good in the event of any adverse occurrence. Similarly for the prison officers.

But there is also a need for a new professional nonsense breed. There are insinuations that some people who are supposed to be offering solutions are also part of the problem. We are talking about what Napoleon needed to do—professionalise and make sure you have



the absolute best. Too many times I read about people who are supposed to be the guardians caught up in she-nanigans. Don't want to be like the Romans—hire a watchman to watch the watchman. Then it gets really expensive.

The answer cannot, it must not lie in building more prisons. There must be less expensive, more effective solutions than that. We have to begin in the schools, in the homes. I was talking to a person the other day. He lamented that on a Sunday morning in a neighbourhood that was formerly quiet, where people took pride in respecting Sunday, there were two construction sites going.

Now, I know that we claim we are a modern society, that we are part of the developed world. But Caymanians are quick to tell you, particularly the older ones, that the reason we have done so well is because we have God's blessings, we were always God fearing. And if we have reached the point where we disregard completely . . . I mean, where everyday is like Monday, and no one has any respect for whether or not I want to be church-going, or I want to have a quiet half hour to pray and say my incantations . . . I think that bears some reflection. And preachers talk about this breakdown, about the State being faceless, about their concerns over the breakdown of the family. People don't set aside time. We have grown away from that.

We can't legislate that. Heaven forbid, we never would. It wouldn't work, even if we tried. But it has to come from within.

**The Speaker:** Would this be a convenient time to take the morning break?

**Mr. Roy Bodden:** Yes sir.

**The Speaker:** We shall suspend for 15 minutes. But may I ask honourable members; this is a new Century, a new Session, a New Year. Let us keep our breaks to 15 minutes and let's get on with the business.

#### PROCEEDINGS SUSPENDED AT 11.30 AM

#### PROCEEDINGS RESUMED AT 11.59 AM

**The Speaker:** Please be seated.

Debate continues on the Throne Speech. The Third Elected Member for Bodden Town, continuing.

**Mr. Roy Bodden:** Thank you.

I want to round off my dealing with the problems that society faces by saying that some years ago I brought a motion. I think it was seconded by the present Minister of Health. It asked the government to set up a national commission on crime and violence. Well, the motion was rejected. Some of the arguments were that it was alarmist, there was no need for that; and a national commission would convey the wrong impression.

Subsequent to that, the government set in place in 1996 the Grand Cayman Crime and Community Safety Survey, by Dr. Kate Painter from the Institute of Crimi-

nology at Cambridge University. This report was commissioned under the auspices of the present First Elected Member for West Bay. It is an excellent report, but it has never seen the light of day.

That report produced some of the most startling prescient and relevant information that we could have at our disposal. But here again, the intransigence of government smothered it, aborted it, and as a result, we find ourselves in this awkward position.

We cannot effectively deal with the kinds of problems we are confronted with if we are scared of studying them and realising what the solutions are. There is nothing in this regard to fear but fear itself. I understand that one of the reasons government was not disposed to airing it was because of the effect it might have on tourism. We shouldn't be foolhardy, because the very things we are failing to address will damage tourism more than any report of some criminologist in regard to strategies we should effect. We have to discontinue the kind of behaviour that does not allow us to face facts because we believe that in trying to solve a problem it is going to give us a bad reputation.

Every society in the world has crime to some degree. Indeed, the famous French sociologist, Émile Durkheim said that that any society without crime at some level was a stagnant society. What Durkheim was also concerned about was the level of certain types of crimes. I don't know how much money government paid to have that study done, yet the study was . . . and I vividly recall. I read one section about women and crime. It had some very startling data on assaults on females. It is unfortunate that that study was not at least tabled in the Legislative Assembly and made available through the media to the wider public.

I wish to move on to deal with some of the challenges confronting us. I refer to the section where His Excellency dealt with the Portfolio of Finance and Economic Development. It is perhaps this portfolio more than any other that hinges the future of this country. Right now we are in the midst of some serious challenges. I am speaking about the demands of various international organisations, the OECD, the European Union, and the G7, as well as the United States.

Recently, a government delegation attended a conference in Washington. As a mature and experienced representative, here's what I can't deal with: We were trying to elicit from government who was going to comprise the delegation. If we had been speaking to the people in Beijing information would have been more forthcoming. There is a veil of secrecy. I noticed that a couple of issues of the *Caymanian Compass* lamented it.

I appreciate that certain business has to be conducted discretely and confidentially. But when I as an elected representative of the people am placed in a position where when my constituents ask me who is going to Washington, and I don't know until I read it in the newspaper, then what purpose do I serve? Is it that secretive that we could not be told who was on the delegation? That we could not be told with whom they were going to meet, and given a general idea of what the meeting was

about? The elected government, the political directorate, has to exercise greater maturity.

We are living in an information age. There have been matters before when people have said they had to extract a pledge of confidentiality or discretion, but when you operate on the basis of withholding information and secrecy, you are subjecting yourself to insinuation, innuendo, the marl road, or worse! Indeed, your very motives may be suspected however well meaning they appear to be. So, the political directorate particularly has to display greater maturity.

That contributes to what I call the “facelessness” of the State. If you don’t know who is going, and you don’t know who is in charge, then how can you be assured that the best interests are being protected? I would hope that entering (as we have) the 21<sup>st</sup> Century that this kind of behaviour would be an aberration rather than the norm. I look forward to the next government behaving differently.

This is crucial because anyone who has been following international events knows that this is serious business that we are involved in now. Members on this side of the chamber have reassured government over and often that when it comes to the ability of the Cayman Islands to maintain its place of respectability in international financial circles there is no difference between us.

That being the case, why is government playing “Big boy/Little boy with us”? If they depend on our support . . . because together we should all be working to preserve our integrity and our future. Here is not the most far-fetched question: Should the government change in November, as many people (myself included) expect it will, how will continuity be maintained? Tell me, Mr. Speaker, how will continuity in such matters be maintained?

I like to read about how dynasties are created. I like to read about the great Jewish families like the Rothschilds, and the Brontmans, and the Frerès, and all these people. It’s a microcosm, how they structured their families. The father, Mr. Speaker (and you yourself come from this type of family) trains the son, prepares him for the eventuality that one day he will be in a position where he has to exercise judgment. To keep him ignorant is to court disaster. To withhold knowledge from him is to court doom. And still, we can appreciate that there is certain information that must be kept “in the family.” The French have an expression, *entré amis*, between friends.

We don’t need to know everything, but we need to be in a position where we can inform our constituents because they ask. Many of them have an avid interest in these things; they are affected by it. And it’s embarrassing to say ‘*I don’t know. I have to wait until GIS puts it out, or until I read it in the Compass.*’ God help us if we didn’t have things like the Internet. I used to “surf” the Net when not too many people in Cayman knew about the Net.

There is need for a change of behaviour on the part of government. There is a need to shed some facelessness, and for government to be more forthright and responsible.

Back to the matter of the challenge. There is a change in the world order. It’s common knowledge.

Some months ago, I read a book called *False Dawn*, by a man from the London School of Economics. He talked about the whole transformation of global capitalism. This whole business of globalisation was going to effect finances. Indeed, he was so prescient that he predicted quite accurately the Asian crash and events in Russia.

One of the things John Gray has said in *False Dawn* is that this whole business of countries like the European Union commandeering and monopolising financial transactions is over. The capitalist system has evolved in such a way that they won’t be able to do that because this whole business of taxation has changed and is transforming, and information technology and E-commerce . . . the Internet has demonstrated that they will never be effective.

I like the part where he highlighted that even among themselves there is no unity and unanimity. Britain wants to protect the City of London, and Luxembourg and Switzerland say they will be no part of any agreement that is going to deprive them of their ability to do what they have been doing for centuries—that is, being bankers to the world.

John Gray suggests that it will be small jurisdictions that will suffer, if we don’t. That view is substantiated by a feature of the *Economist* magazine of 29 January to 4 February. When I came across this article, I immediately reflected on the Third Elected Member for George Town. I was telling him earlier that I almost gave him a call because this is right up his street. He was the one who piloted the motion about E-commerce, and I know that he is actively involved with government and going to some of these meetings with the European Union and the OECD, and to Washington.

Unfortunately, I didn’t have time to get it photocopied, but I wanted to give you a copy, as I wanted to give the Third Official Member a copy. In a nutshell, this tells us where we are in the Cayman Islands and what we can expect. It sure isn’t mercy we can expect. But I have a hope that we are going to be able to continue to survive although we are now under some duress.

This feature says that what they are interested in is an exchange of tax information. It’s simple: They can no longer control the money of their large corporations and wealthy individuals. Here’s my hope: The Internet is going to make it more difficult—if not impossible—for them to do that. And that is why the E-commerce motion passed by this House is so important. The author of this article is saying that handled in the right way certain transactions will be virtually untraceable for tax purposes.

But, when it comes to negotiations, particularly crucial negotiations about the continued survival of the country and its ability to maintain its integrity, the government should not be so irresponsible and so closed-mouth.

I want to keep this debate to a high level, but I can’t resist the urge to say that that is characteristic of some people because they don’t believe that they can be effective unless they hold all the power, all the secrets. Mr. Speaker, no man is an island. You see this business

about elections in November? We have to pray. No one in here has any guarantee that he or she will be back.

That's why it's important for us not to hoard the secrets and make it seem like the world can't exist without us, or that the Cayman Islands can't do without us. There is no one in here who is indispensable, be he an attorney, a lawyer, a teacher—no one. It is immature and irresponsible, inconsiderate and undemocratic to operate with such secrecy. And yet, we proclaim that we support freedom of information. Mr. Speaker, it's an inversion of the truth.

You can't on the one hand say you are progressive, and on the other hand withhold . . . I mean, such a common thing as who comprised the delegation, where they were going and what the topic was. I have been privileged to visit the House of Commons during Question Time. People ask the Prime Minister what he was doing at such and such a time, let alone questions that are more mundane. It is a part of the responsibility of the State, the Government, the Ministers, to tell Parliament, unless certain knowledge is forthcoming. Yet, when they are in trouble, they quickly run to us and say "we." *'WE are in this together, you know.'* *'WE need to do this. WE need to take a stand.'* Ha!

Enough of that. Like I said, I want to keep to a high road. But, I cleaned my ears well before I came here this morning, and I am going to listen. It will be most interesting to find out if the reply can be as impersonal as my comments were. I also want to hear how they plan to change their behaviour in the future so that we are not left out in the cold. God bless the *Caymanian Compass!*

The Financial Secretary, the Government and the country will have to work together because this challenge is going to be a withering fire. I am praying that we survive.

Clearly, we are not talking about money laundering. That is not the question in our jurisdiction. They are going to press us to exchange this information. And if we do that . . . you hear about giving away the store? Ha! Not only will we have given away the store, we won't have any house to come home to either. We will give away the house too. I don't know how we are going to survive, but government's business of dealing in secrecy is not going to help the situation.

I have to say again that intransigence has cost us valuable time. I like how John Redman put it in the *Cayman Islands Executive* magazine, when he said that between 1992 and 1996 the Opposition (the Opposition being the present First Elected Member for George Town, a friend of mine who is not now in the House, Mr. Gilbert McLean, and I) had brought many good motions. But government had voted every one of them down. The Financial Fiscal Responsibility Act was one I vividly remember. What a flogging we got. I never had such a flogging since my mother stopped flogging me.

The Minister of Education, the Minister of Tourism, even the Third Official Member took a little turn. But do you see what we had to do? We had to go and implement it. That should show government that there are responsible, informed, educated and serious people on this

side. They shouldn't keep certain secrets from us because we could help them.

The same thing with the Disaster Relief Fund. What did they have to do? Adopt it. We wasted valuable time.

Quite interestingly, I heard on the CANA news report of a week ago that the same type of disaster relief fund that we have set up is trying to be set up by some of the countries in the eastern Caribbean, using one of the models that I gave. A group of these countries are pooling funds.

Mr. Speaker, forgive me for playing a little one-upmanship. There is no absolute guarantee that I am going to be back, so you will forgive me if I sound my trumpet. We have wasted precious time. I am happy to see that we are moving forward, but I am concerned about certain things. When I come to talk about where I see Parliament going in the next millennium, I will broaden on that, but I want to move to the business of pensions.

I heard the Leader of Government Business, the Minister of Education, talking about how the pension fund is to go to \$76.4 million by year's end. He said that this was a good thing and his government deserved kudos. Sure. I agree it is a good thing and his government deserves some kudos. But the situation could be vastly improved, and we are not out of the woods yet because the fund is not to the point where it realistically should be at this time. So, I would have to make the comment after I give the grade, that this is a good beginning. But we can by no means rest upon our laurels.

It's important that we realise and take cognisance of that fact. This being a political year, I know there are those who will seek to get any advantage they can get. But I just want to sound the caution that all this is allowing us to say at this point, truthfully and realistically, is that we have made a good beginning.

The Ministry of Agriculture, Communications, Environment, and Natural Resources is a ministry that is right now under focus. There was a proposal to remove duties off of certain things. I see that someone has announced they are closing a business as a result of not being able to compete.

Then, there was a story in the newspaper about a farmer who is accusing the community of prejudice because they prefer products from the United States. I don't know if we will ever reach the point in our development where we eliminate what I call prejudicial preference for North American goods. I suppose that the geographical position these islands are in is both advantageous and disadvantageous. It is disadvantageous to the extent that goods are easily accessible from the US. We have cultivated tastes that are more akin to the US than they are to the Caribbean. We have those two strikes against us.

But I lament the fact that people who invest their money and time in ventures such as farming are disappointed because they lack support.

I am going to say something under some advisement and caution. As much as the merchants may claim that they try to support the local farmers, they can do more. I give them credit for opening up now.

The element in the society I am really disappointed with is the hotels. They are intransigent, uncooperative and ignoring. This is the only territory in the region where the hotels serve all imported fruit. It beggars description, even from someone who can be as loquacious as I can be at times. To know that even in the mango season these people won't patronise Caymanian mango farmers to any significant level is Scrooge-like and stingy. Yet, I hear that some of them benefit from certain concessions.

We, the representatives of the people, and the government give them certain concessions, yet they cannot see fit to patronise the Farmer's Market and the farmers. Perhaps someone should remind them of the old adage, one hand washes the other. Or, you scratch my back; I'll scratch yours.

This should not be a one-way street. There are other things I am going to talk about when I get to tourism where they get away with almost murder as far as patronising local people is concerned. But I believe the greatest hindrance to the development of agriculture, a part from the fact that we have no large acres of arable land, is the inability to access reasonably affordable finance.

For a long time I have been interested in what is now known as MFIs, Micro Finance Industries. I was speaking to the First Elected Member for West Bay a few days ago and he agreed. He said that the time has come for the Cayman Islands to investigate the establishment of a development bank. I couldn't agree more with the gentleman. I hope that coming as we are into the new millennium this could be a positive development. It could provide the kind of funding that small farmers could afford to borrow, small businesspersons, that small entrepreneurs could afford. There is lots of capital here. Unfortunately, most of it is loaned at the commercial interest rates. High commercial rates, I am advised.

The case for MFIs could not be more clearly made than the Grameen Bank in Bangladesh. It is now a worldwide model. A few days ago, I sent to the Inter American Development Bank for some information on Micro Financed Industries. I was reading through some of the literature. This is a widespread phenomenon. Latin America, South America, Asia, some places in the Caribbean . . . we cannot afford to borrow money from the Caribbean Development Bank to on-lend to small enterprises.

I have to say this a little tongue-in-cheek. I label the Caribbean Development Bank as the "Widow Maker." I say that because we had two Caymanian entrepreneurs in small hotels. Check the history. It's not a good record. The Caribbean Development Bank is a widow maker. We have to be able to access funds other than those if we want to help our small people.

Quite interestingly, there is an organisation in Boston, Mass., called Accion International. I was surprised to learn that this organisation on-lends money for government approved agencies for micro finance industries. I read of cases where in Latin America people started with one or two sewing machines and built up a little cottage industry. These could be sources of economic independ-

ence for our people. They could create cottage industries that could be sold to tourists.

I believe that agri-industries hold some hope, potting of jellies and jams. If that were marketed right, do you know how many people . . . because we already have one thing going for us: no preservatives or over fertilisation or insecticide. These are the kinds of solutions we have to work towards because these solutions are internal. That's why I am not ready to give up on agriculture even though I know we will probably never reach the scale where we have 50 commercial farmers. I am saying that at the semi-professional level in many more cases it can be successful.

So, we just have to persevere. I give my support to the government and the minister, and I commend those farmers. And in Bodden Town, there are a number who continue to persevere. I hope that one of these days the government can be in the position where we can really give them the kind of help they need. I call upon government, and the honourable Third Official Member (because I suppose it will be his department) to investigate the feasibility of establishing a development bank.

I am not advocating that we wean ourselves away from the Caribbean Development Bank, but I am suggesting that we find a more attractive and affordable mechanism for the kind of demands we have.

I hope that one of these days soon we can offer affordable housing to that element of our population who has been suffering for years. I have said (and I was castigated when I came out with this in 1978) that Caymanians dis-availing themselves of land is probably the single greatest threat we face in the long term. It would be interesting to find out how many of our people, how many families are in a position where they are dispossessed through whatever means and find it literally impossible to own for themselves a plot of land on which to build a house or apartment.

When I made these observations in 1978, I was maligned and ostracised. Many young people tell me that they now find themselves in a position where it seems impossible for them to own a house lot. Despite the plethora of apartment buildings I see going up, I don't hear of prices dropping to the point where they are affordable to the working class people. I have to rely on government to establish some kind of mechanism where these people can realise the "Caymanian Dream" inasmuch as American people talk about the "American Dream" where everyone has access to a house or an apartment and a job. If we don't do that, we can be prepared for a continued social breakdown and chaos.

This may be a good point to interject that multinational corporations should not expect to come and operate in the social climate and draw the kinds of profits they draw, without their consciences pricking them to practise some kind of social responsibility and help out. It should be from these people that a substantial amount of affordable funds come. They should consider it a social, if not a moral obligation. If the society crumbles, heaven forbid, then do you know how much uprooting that is going to cause? How much re-establishment?

While government has a direct responsibility to see that the society maintains a balance, the government should not be expected to do it alone. In other countries, like New Zealand for example, they make great strides toward social responsibility towards providing these kinds of services. It's an anachronism when we talk about Cayman being the fifth largest international financial centre, and we have to talk about levels of poverty and pockets where people are so poor as to be living in substandard housing. It is a sin, like the Holocaust and slavery.

I hope that the telecommunications authority I see proposed works. But I have some reservations. I have to ask, Is this authority going to be structured in such a way that it is self supporting? Is it a regulatory authority, or is it merely concerned with managing the government telecommunications equipment? I would like to know more about the structure. If it is not something that is self-supporting, if it is just another authority we are going to have to finance from the general revenue, then we might as well leave things the way they are.

If it is going to be a regulatory authority, is it going to be prepared to address some of the concerns that the wider public has now with Cable & Wireless and the provision of services? And is it going to be in a position to influence the rates we currently pay?

The Public Works Department has undertaken major projects. In addition, this department is also responsible for the road construction going on now being completed to government specifications. While on the business of road construction, I have to lament the danger in the absence of shoulders along the roads. Some of the roads are significantly higher, so as to be a distinct danger to any individual having to negotiate those shoulders. Government should be mindful that they could be setting themselves up for some serious litigation in the event anyone runs off the road and gets injured.

I don't know why, not being a civil or a road engineer, the asphalt had to be laid on so thick. I cannot understand. And while I have to admit that some shoulder work is being done from Breakers on down, there are still a significant number of miles before all of this work will be completed. I don't know, and I would like some explanation. It's not just one area. I am informed that the stuff is being laid by the ton. Again, I can't understand that. Why is it not done by the mile as it has been done previously?

Those are not only my comments. Those are comments reflected by many road users. I would expect the government to give some satisfactory answers. Of course, we are grateful for the improvements, but we have to be concerned, those of us who are conscientious, about the public purse as well. So we have to keep both eyes focused and we can't just look like the one-eyed man, at only one side of the equation.

His Excellency also mentioned the expected Port Authority expansion. This is a controversial move. Many people more knowledgeable than I say that is going to be a natural disaster in the event of bad weather. A very experienced sea captain whom many people respect, tells me that if that is done we can expect the seas in a

Northwester to break where the old Kirk Plaza was. And I listened during the time it was topical to some people making some profound environmental and ecological observations. This one is not a matter that we should rush into. This is not a decision we should take based purely on emotion.

It's not even so much that it's estimated to cost \$14.5 million. It's the impact it's going to have on the ecology. I am not convinced that all of that realignment is not going to affect those dive sites. People tell me that those dive sites all the way down to the vicinity of Sunset House will virtually be wiped out. And I am puzzled that it is still only limited to cargo. It's not doing anything for tourist ships. It is a development that should be approached with the greatest of caution, and only after the best studies have been made available.

We are a nation a seafarers. Cayman Brac probably produced the greatest number of master mariners of any country in modern times. I cannot understand why every time we do something like this we have to depend upon imported advice. We have hundreds of years of experience if we pool our master mariners and experienced seamen. A number of them have sailed out there under all circumstances. And to a man, they tell me that they have reservations about it, and that it is ill advised and we shouldn't do it: Yet, we go and import some consultants. I don't know where it is going to end, but I caution against it.

I am not one to stop progress. And I certainly can't stop the government. But my gut feeling and the advice I got is that it is not a wise move. We should hasten slowly.

I now turn to education.

**The Speaker:** Would you prefer to take the break before going to a new point?

**Mr. Roy Bodden:** Yes sir, thank you.

**The Speaker:** We shall suspend proceedings until 2.15.

#### PROCEEDINGS SUSPENDED AT 12.51 PM

#### PROCEEDINGS RESUMED AT 2.54 PM

**The Speaker:** Please be seated.

Debate continues on the Throne Speech. The Third Elected Member for Bodden Town, continuing.

**Mr. Roy Bodden:** Thank you.

Prior to the luncheon suspension, I reached the point where I was going to make some comments on what His Excellency had to say on the Ministry of Education, Aviation, and Planning.

By virtue of my own training, I place great importance on education for the development of these islands. I have remarked before that I see education in the Cayman Islands as what Napoleon envisaged in France in 1798, that is, that education is the vitality of the nation, the purification of its morality and the real foundation of all its habits. This is particularly so in that access to an

education provides the greatest tool we can have to improve and enhance our lives in addition to making us understanding and productive citizens.

But I want to lay a caution. I have noticed that many people in the Cayman Islands see education primarily as a tool that enables them to earn a livelihood. And while one of the functions is just that, it should not be the primary driving force. The primary driving force is to make us a more informed, better-equipped and more productive citizens—productive in the widest sense of the word. Productive all around, participating in community life, just not merely out of selfish reasons or out of our own concern of self existence, but for the improvement of the community at large, making us law abiding, considerate, good neighbours. So education should serve many purposes.

I hold that if our future is to remain attractive, we have to find a way to develop a system where all of our people avail themselves of an education, where they can achieve their fullest and roundest development. I will say a little more about that in a short while, but I want to focus on the initial comment made by His Excellency having to do with the revision of the Education Law, 1983. I would say that it is timely—since it has been in force since 1983 and we are now in the year 2000.

I am going to repeat a previous observation I made: I hope that in the review of this law, the powers that be see fit to so structure the Law that the Minister of Education will be removed as chairman of the Education Council, and that someone else will chair that Council so that the Minister can be a court of last resort. The way it functions now puts the minister at a disadvantage in that having participated in certain decisions (albeit as chairman of the board he is not called upon to vote except to break a tie) he is not allowed the flexibility to be so removed from the situation in the event of a decision against what the board has set down. I think modern management practice would have it that someone else chair the board and the minister would then be in a position to be an appellate body in matters referred for his decision from the board.

Mention was also made about the national training initiative. Here again I have to express some disappointment, because it seems that one of the weaknesses we have in this country is that we are always reinventing the wheel. It is all well and good to set up a national training in initiative, and I certainly encourage this. But I seem to recall some years ago when the present First Elected Member for West Bay was the Minister responsible for Community Affairs, Sports, Labour, etc., that he put in place what was called the Cayman Islands Training Initiative. From day one I leant my support because I was familiar with some of the principles. I thought it was worthy of support.

Indeed, I went so far as to promote the initiative to young people. Tragedy struck that initiative and the responsibility was watered down and divested. I don't know if it was due to a lack of enthusiasm or political expediency, or down right disinterest, but the initiative died.

I find it a little self-righteous for the Minister of Education to announce that he is going to have a national

training initiative. It is regrettable that all of the groundwork that had been laid went to waste, and now we have to begin from the beginning.

I wondered why in the first place it was necessary to divest this initiative between three ministries—Tourism, Community Affairs, and Education—when on its initial announcement it was being handled by the Ministry of Community Affairs. It demonstrates a weakness in our system. And I have been around long enough to know that when these efforts go like this it is pure half-heartedness and they are not likely to achieve fruition. So I welcome the new initiative that is going to be carried out by the Minister for Education at this late stage.

This is an election year. We don't have much time, and we run the risk of suffering a setback if the government changes ministers. Who is to say that the succeeding minister will have the same philosophy and the same desire, and the same sense of urgency? We have lost valuable time and we have to come to the point where we stop playing games of expediency with these initiatives.

The Cayman Islands Training Initiative was set on a good foundation. It was poised to tackle the challenges it was designed to face. The new training board will be convened to guide the formulation of a national training policy now. The government's role in this is a delicate one, and the government must first heed the advice that our Saviour gave on one occasion: "Physician, heal thyself."

The government's position in this reminds me of an old college joke. The principal at the college I attended did not like students with beards. One day he was passing a residence and he saw one of my friends who was growing a beard. Indeed, two of my friends were growing beards, but he saw this one.

So he called the student and said, "Mr. Reese, I would like you to do me a favour." And who would dare deny the principal? (Behind his back we used to call him God. He was that kind of person.)

So he said, "Of course, Mr. Owen. I will gladly do you the favour."

He said, "Mr. Reese, I want you to go and tell Mr. Suku that he is to shave his beard."

He said, "I will gladly do that."

"But," he said "not so fast, Mr. Reese. Before you deliver such a message you have to shave your own beard first."

So, government finds itself in the same position now with the training policy. Before the government can tell the private sector and demand that they formulate a training policy, the government has to ensure that its own training policy is up and running, and beyond reproach.

**Mr. W. McKeeva Bush:** Hear, hear!

**Mr. Roy Boddan:** Therein lies the challenge.

It is my suspicion that the reason why nothing came out of the Cayman Islands Training Initiative is that some people were not prepared to deal with what that training initiative was going to be demanding. This has always been a problem in the private sector. Always.

And young Caymanians especially have suffered setbacks from inadequate training policies and the lack of supervision. Certainly, there is no enforcement that the policies, once put in place, be kept in place and that Caymanians are the beneficiaries.

The minister has announced his plan “. . . **which is being spearheaded by the Department for International Development (DFID) (Caribbean) and seeks to encourage ways and provide models for private sector involvement in the public education system.**” I welcome this initiative too because I think this will strengthen the opportunities for young people. And if developed properly it will certainly lead to enhanced and greater opportunities for young people to become economically vibrant and gainfully employed.

I believe that we have to turn our organisations into learning organisations. To this extent, I am attracted to what the international consulting firm, Arthur Andersen, is doing at a site they have established and named “The School of the 21<sup>st</sup> Century.” This firm has structured the education requirements in such a way that they teach computer modelling, system thinking skills, mathematics, group dialogue, and effective decision making. In Oakland-Alameda County, California, they have a special school called “The School of the Future.”

I said long ago that we in the Cayman Islands should have sought to imitate the Nation-State of Singapore. For its size and development, it has one of the most efficient and productive education systems of any country in the world. The basis of this system lies in the mastery of computers—computer assisted instruction, computer literacy, computer programming, computer modelling.

I lament the fact that we in the Cayman Islands with seemingly so much financial resource lag so far behind in this. I would like to see our education system arrive at the point where there is a reasonable ratio of computers to students beginning at the primary school of at least 1-to-3, but ideally 1-to-2. Not just when we go to computer lab, but to be available at all times for all lessons.

There are companies whose business is providing this kind of technology to schools throughout the world. The world has shrunk and is shrinking. Information technology and mastery of computers is the way to go. This is particularly so in the Cayman Islands—one of the largest financial centres in the world. I have always said that being computer literate itself offers a marketable skill. Any mastery and qualification beyond that is a bonus.

As for the national curriculum, I said before—according to the minister’s own statement in Parliament some years ago—that we are lagging behind. It is necessary for us to move forward, particularly now that we have the school Inspectorate set up. I follow these matters with interest and look forward to the whole curriculum being developed, tested, and implemented. We need to ensure that we have a proper bridge leading from primary to middle, to high school, and then college and university.

If there is one area in our system that needs examination, it is the apparent lack of enthusiasm for joint development between the Community College and the In-

ternational College of the Cayman Islands. I am of the opinion that the education establishment in the Cayman Islands would be better served complementary rather than by developing each of them exclusive to the other. The jurisdiction is too small. The educational market is too small to have this kind of development.

It would be a positive step if certain resources could be shared. Certainly, this is the case in other jurisdictions where institutions seek out the similarity among themselves, rather than any peculiarities, particularly in an area where the student pool is not the largest. We could have shared faculty, shared library resources, shared specialist personal who come in from time to time to give guest lectures or workshops.

This year there is a fair amount of capital works to be undertaken. The minister must find himself in somewhat of a quandary because, according to news reports, he is having difficulty in receiving planning [approval] for a proposed primary school at Spotts. Two sites. Both sites proposed have received objections. Does this mean that the delays are going to put us in a position where we will not be able to come up with needed classroom space when the next school year begins?

Then, some time ago the minister gave us a \$50 million list of capital works needed just to catch up. I wish I could say that education was at its optimum at this time. But with all of these factors impinging upon it, it seems that we are going to be taken up with fighting crises, out-ting fires, and when we consider that our moral obligation also extends to giving some kind of support to the private schools, our hands are tied at a time when we should be poised for takeoff.

As if these challenges were not enough, now we have social problems, disenchanting and alienated elements among the school population, school programmes being expanded to include more before school programmes as well as after school activities. The notion that I called for some time ago (along with other members), about the investigation of the establishment of a Cadet Corp has still not been acted upon.

It is time that when we give undertakings that we act. The schools Inspectorate is off and running and this will only serve to enhance and improve the education establishment. I hope that one of these days the Inspectorate can reach the point where it can be headed and staffed by Caymanian educators.

Planning must be a challenge. As I move around my constituency and the wider community, I hear expressions of disappointment, concern, and disgust. It seems that the consensus is that it is extremely difficult for a certain element of the population to realise their ambition. Some people seem to think that inordinate encumbrances are visited upon them when they try to construct their residences. I hope we can reach a point where our regulations can be clearly understood by all and sundry, and that the process can be one where any client can be so informed of his obligations that he does not feel the deck is stacked against him.

In terms of aviation and Cayman Airways, I guess the story in today’s paper speaks for itself. We still have challenges. I don’t know how we are going to surmount

those challenges easily. It seems that just when we think we are levelling off, we hit one air pocket or another. I hope that one day Cayman Airways can realise its potential. But I am not sure that right now, for all of the little undercurrents I am aware of, that the morale is as high as it should be.

Just recently, I was approached by some people asking me if I was aware of the fact that Cayman Airways has divested its air cargo section in Miami. This approach was by some staff members of that department. It seems to have been a breakdown in communication and these people were not as informed by senior personnel as they should have been. They had to resort to picking the 'marl road' to find snippets. This is not the best way to run any enterprise—let alone an enterprise like Cayman Airways that one would have to say (for want of a better word) is always suspect.

I have found that in these cases it is best to take the bull by the horns. Straightforward plain talking, it eliminates the possibility of any misunderstanding. The thing that makes any organisation work is staff at the highest morale at all times. But if the staff is kept in the darkness, we cannot expect to draw on their loyalty, or sincerity. So the minister will have to take care in the future that these kinds of snags are eliminated. I know the minister likes to say that he has nothing to do with the day to day running of the airline. But while that is true, he holds an obligation to ensure that the airline is run properly, and that no element among the staff is demoralised because they hear something third hand.

The Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation is not without challenges. I am worried that for all of the strides we are making we seem to only be holding our own. Perhaps we have to pray for some great moral awakening in this country, but for all of the positive strides we make, it seems that we are not denting the problem of drugs. It has nothing to do with the minister or the services he provides. It has to do with the fact that we are losing the war.

It is incumbent upon all of us as representatives of the people, as parents, as adults in the society, to join together to stop this. I see on the streets, I read in the newspapers about ever more of our young people getting involved, getting sidetracked. It's a war, which it seems we cannot win: and yet, we dare not give up. We have to keep fighting.

The Governor mentioned that the Hawley Estate in Breakers will be completed and a residential treatment centre named Caribbean Haven, including a halfway house facility and a day treatment programme will be opened. These efforts will have to be complemented by efforts in the schools, the homes, and the churches.

I compliment all those organisations and service clubs—CASA, the National Drug Council—who give of their time and resources to combat this scourge. It is a universal scourge. But we cannot let its universality keep us from crafting a uniquely Caymanian approach to solving the problem in our jurisdiction.

One of the problems we have to surmount is this "Not in my Backyard" syndrome. I am going to tell you

about an experience I had. I am angry and chagrined at these kinds of experiences, but it is not uncommon.

There is a set of young men in Bodden Town. I have known them for years. Some are in a football programme that I used to run, so I am acquainted with them closely. I saw them a few weeks ago at the basketball court at the Webster Memorial United Church in Bodden Town. The court is not lighted. So, I promised myself one afternoon that I would rap with them. I did. They are always respectful. I am not saying they are angels, you know, because they are little boys all young and healthy. When I was their age, I cut a prank or two myself, so I don't want to convey the impression that they are angels. But they always treat me with respect.

I spoke with them and they told me that they wanted to enter a tournament, but they had a problem. They didn't have any uniforms. I told them that if all they lacked were uniforms, to go ahead and make the arrangements to enter the tournament. They asked me if I could get the registration forms, which I did. I went and procured a set of uniforms.

I got them from the Community Development Officer in Bodden Town who also happens to be an officer in the basketball association. He told me the uniforms cost \$400. I made payment arrangements assuming responsibility for the money myself. I got the uniforms from the gentleman and was prepared to deliver them to the youngsters.

Well, the uniforms came late so they couldn't be in the opening ceremonies. When I went back to look for them the next afternoon, they were not where we had agreed they were going to be. Instead, I saw them sitting on the fence of the Adventist Church in Bodden Town. I stopped to see what was the matter. They said that someone had run them off that court.

I asked if there was something I could do. They asked if I would go and speak with the pastor. I was on my way home (coming from the Legislative Assembly as a matter of fact), and I went. The pastor was in his office and we had a nice talk. The pastor was very sympathetic. He was discouraged because he said the church had built the court and one of the stipulations of the Planning Department was that they make the court available to elements in the community to play on. But a neighbour had complained to him that the youngsters were making noise.

Tell me please, where are you going to find 25 normal youngsters playing in silence? If you find out, there is something radically wrong!

I don't know how the neighbour could be so selfish because the court was not even lighted. That means when evening fell, the youngsters had to move anyway because there was no light. I was angry!

While I was there, I saw the occupant of the house. I don't want to cause any trouble. It's my community and I have to respect the people who come there to live. But if anyone tells me that those youngsters are bad . . . they left of their own volition and gave no trouble. In my day, trust me, I would not have left so voluntarily.

These are some of the problems we are facing now. If these youngsters are playing on the church grounds, in



the sight of John Public, and we run them from there, is there any wonder that they go in the bush and do things they are not supposed to do? And then when they do all the things we don't want them to do we say they are bad and we must lock them away. We have to decide.

I have come to the conclusion that I am guilty too, perhaps even more so. If I run them off a basketball court where they are doing something constructive, then they go and smoke marijuana or do something they shouldn't do and are apprehended, taken to court and sentenced, that sentence is mine as well. And people have got to stop being so selfish! The space must be shared.

Then they say, *'The boys are bad. They're worthless.'* Those little guys are still there. I saw them up to yesterday afternoon. I pity them.

This is the kind of society we are living in—*Not in my Backyard! It's too good for my neighbourhood. Find someplace else to play basketball. Not beside my house.* Yet, Mr. Speaker, when we have delinquency, alienation, and disenchantment, we say put them in prison. And we walk around like it's no concern of ours. No, Mr. Speaker, one thousand times no! These attitudes have to change! It is our responsibility. It is our obligation, socially, morally and otherwise. We share it. It's our community.

I suppose it will cost me a vote or two. It might cost me the election. But I don't want to be popular. I just want to be right. Wherever I see those youngsters, I have their respect. I can go to them under the most adverse of circumstances; I can talk to them and tell them to stop doing what they should not do. That is more than the neighbour who ran them away can say. This kind of double standard and hypocrisy has got to stop.

I am sorry that the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture is not here, because government is developing a basketball court at the civic centre. But government is dragging its feet and that court is not ready yet. If that court was ready, the youngsters could have been playing there.

It is no wonder that for all of the drug abuse programmes we have, for all the rehabilitative services we offer, we are still having people fall through the cracks, if people are going to run them from playing basketball in their neighbourhoods. That is why we can't win. They expect the government to tow them away to the social services. Well, the social services can't handle every one, and the police can't jail every one, if every day we keep running a few more.

I even spoke to some of the ladies of the church who themselves were disconsolate over the whole matter. They said they went and borrowed the money to put up the court because they wanted to offer a facility to these youngsters. They were disconsolate over the whole affair.

That's the kind of Cayman we are living in—*Not in my Backyard*—the NIMBY syndrome! And then we wonder when our youngsters become delinquent. What's wrong? We are!

**The Speaker:** Would this be a convenient time to take the afternoon suspension? We shall suspend for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.38 PM

#### PROCEEDINGS RESUMED AT 4.06 PM

**The Speaker:** Please be seated.

Debate continues on the Throne Speech. The Third Elected Member for Bodden Town, continuing.

**Mr. Roy Bodden:** Thank you.

I am going to try to conclude my contribution this afternoon, so I am going to move rather quickly over the other issues. I want to comment on the Ministry of Community Affairs, Sports, Women, Youth and Culture.

I want to begin with Nature Tourism, which seems to be an interest in Cayman Brac. I believe this is an area which we should pay more credence to, as jurisdictions like Belize and Costa Rica (to name two) are doing very well and have several years' advance on us in this direction.

I get the Sunday *New York Times*, and the Galapagos Islands are always very popular among tourists. It is safe to say that we are living in the era of ecology and conservation minded travellers. People are always anxious to know that there are destinations that are conscience of preserving nature in the state it is in. I think it is something that we in the Cayman Islands, particularly Grand Cayman, have to develop with a sense of balance. We have to be aware of the fact that some development should be allowed.

I believe there are areas here that we can preserve and develop into bird sanctuaries and havens for wildlife peculiar to the Cayman Islands. I have always believed that there was scope for any entrepreneur so minded to build such a preserve from the beginning. I think it would be an attraction.

Right now, there is Cardinal D's which offers some limited drawing. It is very popular among locals, particularly those with young children. So, I am happy to see that Cayman Brac and Little Cayman are displaying some interest in this. Being cognisant that they have different kinds of economic problems, I hope this can blossom into something effective for them.

Women's affairs: I believe that women in this society still have a crucial role to play. We have to ensure that we do all we can to support them. As a social commentator and observer, I want to say that manhood in the Caymanian society is changing from what it was years ago. As a result, I think that women are under greater stress now than when the men were sailors and absent from home for long periods of time. If you read the cases of domestic disputes that come to the courts, you will see that women are under duress. I think that particularly among younger people, television does nothing to remedy this. Rather, it exacerbates the problem. I am happy to see that there is a consciousness towards providing the resources that will help women realise their potential and offer them some protection.

It is safe to say that we have some challenges as outlined in the Throne Speech, but they are not insurmountable. I want to key in on some of the specific problems we are going to have to come to grips with in the next little while.

I mentioned the whole business of parity and the importance of the Caymanian people realising that they have the same worth as people from the outside. I have always said that the Cayman Islands should develop in such a way that the Caymanians are (to use the Latin word) *primus inter pares*, first among equals. I said this way back in 1978, and I am still saying it. Having been an emigrant myself, I can view the position from both sides of the coin.

The reason I say that Caymanians must be first among equals is that this is a very small and delicate society. This is a society that had been closed to outsiders for many years. With the advent of steamships and refrigeration, when it was no longer necessary to rewater around the Caribbean prior to taking off into the North Atlantic and Europe, the Cayman Islands became cut off, and our men had to make their own boats and make their own way. This is where we developed our maritime skills.

This is not new to you, Mr. Speaker, because this is the tradition out of which you came. Well, after that, when World War II was over and commercial shipping and industries in the United States took off, we became open again. But we have never been a society accustomed to large masses of people moving in and out. So there is a certain delicacy that has to be maintained.

I also note that we cannot develop in a vacuum. No man is an island unto himself; and no island can be great in this day and age of globalisation and interdependency. The Caymanians have some legitimate concerns about being overrun, that is why it is necessary to promote some kind of feeling of equality with Caymanians being first among equals. That is why it is important for us to get this business of the Select Committee on Immigration right. We have an obligation to those who came from outside and have given their life service here, and made this their home. We have an obligation to them, just as we have an obligation to our own people. So we cannot be insular in this.

I have to remark that I am somewhat confused with the position of the government in regard to its statement in the paper this morning about the Select Committee's report. It's unusual, that when a Select Committee report is tabled the government ministers then make a statement on their behalf. Usually the report is tabled and a report is made on behalf of all members of the committee. Well, I noticed that the government ministers made a statement stressing that the issues outlined in the paper are for *discussion*, and that they are not recommendations, according to the Leader of Government Business. That is an unusual departure for which I seek clarification.

I wonder if this is not spawned out of politics or expediency because I also noticed that the Chamber of Commerce has come out against this whole suggestion of a five-year rollover period. This business of the Select

Committee on Immigration and its findings is too important to play political expediency. I think as members of the committee we have to be careful that we are not placing ourselves, or that the ministers are not putting the rest of us in an untenable position by saying, *'Well, this is not necessarily what we would like, or the way we see it.'*

I mean, the report is self-explanatory. It says we have circulated this, now give us your feedback. Tell us what you think. But personally, I find myself in a precarious position because it seems that the ministers are saying, *'Well, you know, we put these out. These are our observations and findings, but if you don't want it this way, maybe we can doctor it.'* I would welcome some comment on that because we have to settle this business.

Unofficially, these are startling figures. I am informed by someone who knows, that we have about 5,000 people under the rubric of domestic servant. We have about 3,000 common labourers. Mr. Speaker, this is an analogy you can relate to: We are in a lifeboat. It's what I call the lifeboat ethic. The lifeboat can only take so many. If you are putting in more than the capacity, you run the risk of swamping the lifeboat and everybody is going to drown.

So, the Cayman Islands is like a lifeboat. We have to operate with lifeboat ethics. Unfortunately, we can't take in everybody who would like to come in. We have to find that complement. And if we overload the boat, it's going to swamp. That's what we are trying to do now. I am not discriminating against anyone, because there are people in those categories I named who will have been here and met the criteria to apply, just as there will be people in other categories. But if we don't arrive at some idea of the complement, we are going to be in trouble. And the longer we procrastinate, the more difficult this problem is going to be.

I recall doing this exercise during 1988 to 1992. The Select Committee put it out and nothing was done. We lost all that time until now. And there are persons in all categories—blue-collar workers, white-collar workers, who have been here long enough now for us to make assessments as to where they should be. And we have to come to that conclusion.

What we have happening now is a situation where our people are quite rightly getting anxious—our own people and the immigrants. This is a glorious opportunity, and I hope that we avail ourselves of it. I have always said that the Caymanian society will be great because we have the potential of being cosmopolitan, international, and interracial. We have to find the formula that works for us, and this is a glorious opportunity.

I want to talk for a minute about this Parliament and the new millennium. I have come to the conclusion that we as Parliamentarians are excellent resource people, and this Parliament is an excellent training ground for the next generation of leaders. I am disappointed every time I look up and see the gallery empty. The only time people come . . . and young people seldom ever come, except on ceremonial and state occasions. The business of politics and public service is by no means exclusive, and

it should not be. But I believe that sitting here listening to people, seeing them perform in their element . . . this is like a Temple. It is the best training and the best education young people can get.

To be a representative of the people does not necessitate any university degree; does not necessitate amassing of wealth; does not necessitate any particular intellect, but, rather, necessitates a certain predisposition and interest in improving the welfare of society.

This being an election year, I would now like to see the next generation of leaders. It is inevitable that there has to be a next generation. Some of us here are ready to max out. The smart ones of us are going to move away from the scene by our own volition. Others will be taken care of by the displacement of the democratic system. But I am concerned because the notion is that anyone can be a politician. That is really not true.

A friend of mine told me, "Roy, it takes a special breed of animal." While it requires no formal education, I think that we have to cultivate the perception and insight. Where we breakdown is that there is no bridge leading from the outside in here. I mean, you yourself know, parliamentary procedure is an intricate science. And to come in here cold turkey and be effective is almost impossible.

I would like to see us evolve to a point where those of us who have served time can be used as resource people, and young people who are interested can come and sit with us and see how we perform, see what we do, see what it takes to be an MLA, see what it takes to be the Speaker. I don't think it's good enough any more to get up on a soapbox and run an election. What are you going to do when you get in? I would like to see some interest displayed. I am sure that all honourable Members of this House would make themselves available to anyone so interested.

It is only by so doing that our democracy is going to remain vibrant and strong. It is true that this is not the normal practice in some jurisdictions, but then some jurisdictions like Britain have other entities that prepare people for parliamentary life—debating societies, parliamentary clubs. I suppose I was fortunate, because when I went to college I was a member of the Parliamentary Club and the Debating Society. In my final year, I was president of both. But there are no such things here.

It would attract a cadre of young people who would be interested and ready to take up the challenges in the next millennium. I hope we can achieve this.

The final point I would like to mention is that I sense that there is some anxiety among young Caymanians as to their future in terms of employment, both in the public and private sectors. A lot of these young people come to me. I think it is a situation that we have to give the greatest attention to because it is a situation which, if not handled carefully, will serve to discourage and alienate our young people.

One of the problems we face is that many of these entities in the private sector are multinational corporations. An incident was brought to my attention some days ago about what I call duplicitous advertisement—you know, where the advertisement that appears in the local

paper is skewed one way, and the one that goes internationally is skewed the other. I view these things as a serious aberration. It's disheartening to young returning graduates who have made sacrifices, studied at colleges and universities. While they have the academic qualifications, their youth does not allow them to have years of experience.

I think that any entity operating within the Cayman Islands owes it to themselves to be frank, forthright and fair with Caymanians, particularly young Caymanians. Similarly, the public service has a responsibility to see that it plays fairly. I think the greatest challenge we face with young people who do well is the demoralisation and the discouragement. They realise that often the odds are against them. It happens not only in the white-collar world, but in other areas too.

It is incumbent upon us, the leaders and the representatives of the people, to speak out against these things when we come upon them. I have never been hesitant to be outspoken in these kinds of events.

I guess that my concluding observation (which kind of mystifies me a bit) is that the statement which was made by the Minister of Tourism regarding the civil servants call for parity a few days ago . . . I was trying to understand that statement and why it was made by a minister of government. It seems that the ministers wanted to disassociate themselves from the concerns of the civil servants. While we all know that the civil service is the responsibility of the Governor, and by inference the Honourable First Official Member, in the Legislative Assembly no politician has reason to directly interfere.

We have to be careful what message we send to our people. There are legitimate anxieties among Caymanian people. And we have to be sure to encourage those who are disciplined and who have made the sacrifices to get trained and educated. It is only in so doing that our society will remain vibrant and strong.

Mr. Speaker, as the Cayman Islands enters the 21<sup>st</sup> Century it is faced with its challenges. But they are not insurmountable. I have tried to outline them. I have tried to be fair and frank. I have stuck to what I consider the high road. Those who come behind me may not agree with what I have said. I don't expect them to. This is a democratic forum. People may accuse me of politicking, they may accuse me of being self-centred; they may accuse me of being primarily interested in myself. But no one can legitimately accuse me of not speaking the truth. That is a quality I cherish.

I believe that we have reason to be optimistic in the Cayman Islands. If we as the leaders are frank and fair, then we can surmount the problems. For the next little while, I would like to see us sincerely tackle the challenge of immigration, of crime in society, of management of our institutions. I believe that the great ship Cayman, if we the crew perform, should do well in the next while. Thank you.

**The Speaker:** We have reached the hour of interruption. I would entertain a motion for the adjournment of this honourable House. The Honourable Minister for Tourism, Commerce, Transport and Works.

## ADJOURNMENT

**Hon. Thomas C. Jefferson:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.32 THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 24 FEBRUARY 2000.**

**EDITED  
THURSDAY  
24 FEBRUARY 2000  
10.23 AM**

*[Prayers read by the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**The Speaker:** I have received apologies from the Honourable Third Official Member who will be arriving later this morning. The Honourable Minister for Tourism, Commerce, Transport and Works will also be arriving later this morning. The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture is overseas on official business.

Moving on to item number 3 on today's Order Paper. The First Elected Member for West Bay.

**SUSPENSION OF STANDING ORDER 24(5)**

**Mr. W. McKeeva Bush:** Mr. Speaker, I would ask the House to give permission to waive Standing Order 24(5) in order to allow motions which fell away because of prorogation to be put on the Order Paper.

**The Speaker:** Do you have a seconder?

**Mr. Roy Bodden:** Mr. Speaker, I will second that sir.

**The Speaker:** The motion has been made and seconded that private members' motions be allowed to be put on the Order Paper without the five-day notice. I shall now put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The motion is carried.

**AGREED: STANDING ORDER 24(5) SUSPENDED TO ALLOW PRIVATE MEMBERS' MOTIONS TO BE PRESENTED DURING THE CURRENT MEETING OF THE HOUSE WITHOUT THE REQUIRED FIVE CLEAR DAYS NOTICE.**

**The Speaker:** Moving on to item no. 3 on today's Order Paper—

**Dr. Frank McField:** Mr. Speaker.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can I just have a clarification on something? With regard to the private member's motion that I brought, which was not completed in terms of the debate, what would be the position with regard to that particular motion now that the members have decided to bring back other private members' motions?

**The Speaker:** It is my interpretation that that would be allowed to be brought forward, as the Standing Order says that nothing resolved—and that was not resolved . . . you can bring it back. But you will also be allowed to read into the records the presentation made prior to the last sitting. But they have fallen away. Is that satisfactory? Do you have any further questions?

The Elected Member for North Side.

**Mrs. Edna Moyle:** Could I ask a question, sir? Now that the Standing Order has been suspended, do these motions automatically come back to the Business Paper or are the movers required to file them with the Clerk?

**The Speaker:** The mover is required to file them, they have fallen away. No further debate? Moving on to item number 3, Government Business—

**Mr. W. McKeeva Bush:** Mr. Speaker!

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I am sorry that I have to seek clarification on the motion we just passed. We will submit the motions back to the Clerk, but that's all? We just need to supply it back to the Clerk and she will put it back on the Order Paper? because that is what the motion said.

**The Speaker:** That is correct. A new Business Paper will be issued.

**Mr. W. McKeeva Bush:** A new Business Paper?

**The Speaker:** Correct.

I'll entertain a motion for the suspension of Standing Order 14(3) as today is Thursday, for Government Business to take priority. The Honourable Minister for Education, Aviation and Planning.

**SUSPENSION OF STANDING ORDER 14(3)**

**Hon. Truman M. Boddin:** Mr. Speaker, I move the suspension of Standing Order 14(3) so that we may continue the Throne Speech today, sir.

**The Speaker:** I shall now put the Question that we suspend Standing Order 14(3) in order that the debate on the Throne Speech can continue in lieu of Private Members' Motions. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 14(3) SUSPENDED TO ALLOW GOVERNMENT BUSINESS TO TAKE PRECEDENCE OVER OTHER BUSINESS.**

**The Speaker:** Continuation of debate on the Throne Speech delivered by His Excellency Mr. Peter J. Smith, CBE, Governor of the Cayman Islands, on Friday, 18 February 2000. The floor is open to debate. The Third Elected Member for West Bay.

## GOVERNMENT BUSINESS

### DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. PETER J. SMITH, CBE, GOVERNOR OF THE CAYMAN ISLANDS, ON FRIDAY, 18 FEBRUARY 2000

*(Continuation of debate thereon)*

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I want to say thanks to His Excellency the Governor for his Throne Speech and his attempt to paint a very positive impression with regard to what is going on at the present time in the country.

But, Mr. Speaker, all is not well in paradise. At the present time we have a very serious situation existing in this country, and it didn't start on the 1<sup>st</sup> January 2000. It started from last year, I think September or October, when we started having problems at Northward Prison.

Mr. Speaker, one of the impressions we have always had in this country (and probably an impression that has been shared also from those on the outside) is that the Cayman Islands is a very safe law-abiding destination. But you know, last year that image was shattered. We all witnessed what happened at Northward Prison. We saw prisoners on television and they were giving us the impression that they were in charge.

It is my information that when the police arrived on the scene they were ready to move in and take control of that situation, only to be told "no, let us handle it or await orders from us." The next morning, the news that we were faced with was that they had rioted at Northward Prison; they had burnt the prison down and prisoners were everywhere. There was total chaos in this country.

Mr. Speaker, that incident in my opinion greatly threatened our national security. The veneer of law and

order, like I said before, was shattered by that incident. To add insult to injury, for a period of time it appeared every time you picked up the newspaper there was some face of some prisoner(s) who had escaped the day before.

Mr. Speaker, all is not well in paradise. We had a few convicted killers housed at Central Police Station, and if what I am told is the case, there is definitely something wrong in that some little officer decided that he was going to be responsible for moving these high security prisoners to another area at Central Police Station only to have them escape. The other excuse that I heard was that they had forced their way out through the window of the cell that they were being housed in. Mr. Speaker, who would build a facility for holding prisoners that is not properly secured? They cannot blame us, the elected representatives.

The request came here for funds to do it and it was done. We voted for it and it was done. Now, every time you turn on the television or the radio, you get the impression that so much is being done to recapture this convicted murderer and other prisoners.

In addition to that, Mr. Speaker, every weekend we hear of a new rash of rapes, and up until now I am not aware of any arrest for those crimes. We have had two or three murders recently. You tell me, Mr. Speaker, when was the last time we had two murders in a matter of a week in this country? Mr. Speaker, all is not well in paradise. Residents in this country today are terrified for their personal safety and the safety of their families.

Mr. Speaker, with your permission let me just read a summary of the main findings and recommendation of His Honour Sir Stephen Tumin on a report on Northward Prison. It says here:

- a) **"The prison remains out of control and control cannot be achieved without lockdown. Long term security cannot be achieved without a far more secure perimeter wall.**
- b) **"The main causes of the trouble have been overcrowding and grievances over parole, and failure in communications with prisoners.**
- c) **"A new Director should be appointed as soon as possible and preferably should take office before the Commissioner relinquishes control. The present Director is in no way to blame for what has happened, but in the present situation, a new Director, probably from the English Prison Service, should be brought in. The new Director needs to have a higher standing in the structure of Cayman that has been the case in the past, and he should be of a standing equivalent to that of the Commissioner of Police."**

Mr. Speaker, those are some of the recommendations of this Commissioner. I think most of those things have been addressed or are being addressed but in my opinion, when you become a prisoner you lose a lot of the rights that ordinary citizens lose.

Now, if anybody thinks that I am prepared to accept or have it justified that because we had overcrowding of the prison and some prisoners were upset with regard to

the patrol system that they had a right to burn down the prison, I am not prepared to do that. If that incident had taken place in any other Caribbean jurisdiction, you would not have the same results. What you would have found, and you know I don't advocate unnecessary violence, but the authorities must remind those for which they are responsible that they are in charge. Even if it means it was necessary to knock down a few of those, they didn't have to kill them but let them know that we meant business. If that was Jamaica, Mr. Speaker, 30 or 40 of them—

All is not well in paradise. The other area of this discontent is our civil service and they have a right to be upset. Mr. Speaker, you and I are elected representatives of the people and we have always . . . and I am quite sure the situation or the concern and desire have been proposed and it's the same situation with regard to all elected Members in this House. We believe that it is time for some parity in this country, and it has always been my contention even before I became an elected representative that if a Caymanian and an expatriate are doing the same job, there should be no difference in salaries or benefits other than maybe experience. You might get an increment if you have 12 years of experience and I only have ten years, but the terms and benefits should remain the same. What we have in this civil service—and you have to work for 33½ years I think, for the Caymanian to get a little pension at the end of the day. Your expatriate or foreign contracted officers get (in most cases) maximum in salary—they come here and they are given other allowances.

You know, Mr. Speaker, when they are finished, Government says, *'I am so grateful that you took time and you came away from home and the hardship that you have endured here, I am going to give you 15% gratuity at the end of your contract.'* I guess if that was all they were getting it would be bad enough, but some officers even get on top of that an inducement allowance. It is time for parity and equality in the civil service between Caymanians and expatriates.

There is no reason why with the new Pension Law that we have put in place and the new Health Insurance Law that we have in place that in the case of pension they should be a part of the defined benefits plan like everyone else because the advantage of that programme is that those pensions are portable. So, wherever they go, they can take it with them.

I recall, Mr. Speaker, when we were being briefed with regard to the salaries review programme in the Committee Room. The Elected Member for North Side specifically asked the Chief Secretary whether or not with the new proposed salaries would contracted officers continue to get the Contracted Officers' Supplement. We were told, no, that with the new salaries the Contracted Officers' Supplement would fall away for new contracted officers. I understand that position has changed now that the programme has been implemented in that it is still the intention to continue to pay new officers a Contracted Officers' Supplement.

I am told that there is no such provision in this year's budget so if any new officers were recruited under those

terms they would have to come for Finance Committee's for approval. I just want to say to the civil service that whenever those requests come to us in Finance Committee that at least this member will not be supporting that request.

You know, Mr. Speaker, there was a statement read by the Minister of Tourism on behalf of the elected representatives of Executive Council basically clarifying their position. With your permission, Mr. Speaker, let me just read an excerpt from that speech, it says, **"The fact is that under the Cayman Islands Constitution, section 7, the civil service is the sole responsibility of His Excellency the Governor with delegated responsibility to the Honourable Chief Secretary."**

Now, Mr. Speaker, I cannot say that I blame Executive Council for wanting to clarify the position, but that statement . . . personally, if I were in their position I would not have made it. Do you know what it reminded me of when I heard it read? Two incidents: There was a serial killer in United States known as Jeffrey Dahmer and the incident with regard to him was that he was in the process of attempting to kill another of his victims who happened to be a young oriental man who escaped from him. He ran to the police and the police took him back to Jeffrey Dahmer and the boy was killed.

The other incident that reminded me of was when Jesus was on trial before Pilate. What did he do in order to try to abdicate himself from the responsibility? He washed his hands. He said, *'I have nothing to do with this, it is your responsibility.'*

Personally, I think that sent a very negative message to civil servants and a very strong message to the office of the Governor. Now, Mr. Speaker, I am one of those representatives who calls it as I see it and I believe in this day and age we as elected representatives cannot continue to maintain that kind of position.

The other day, the Honourable Minister of Health arranged a meeting with His Excellency the Governor out of concern as he felt that elected representatives should be briefed on all that was going on in the civil service. We showed up, I think there were eight or nine of us along with the Minister. And, Mr. Speaker, I was completely surprised at the reception and the attitude that we got. It was made known to us in no uncertain terms that the civil service is the complete and absolute domain—that is, from the standpoint of His Excellency the Governor—he doesn't want any political interference and whatever he does has to be accepted as being okay. Mr. Speaker, all is not well in paradise.

I was a civil servant for seven years. In 1980, Mr. Gilbert McLean was president of the Civil Service Association, and I was the vice president. I recall the battle we fought for benefits, for parity, for a salary that reflected the worth of civil servants. You know, if the Civil Service Association was not united as far as its membership and the civil servants were not behind us united, the risk that we ran (and we were prepared to do so) was that every member of that association was going to be terminated if we had lost that battle. But we stuck together. We knew we had the civil service behind us and at the end of the day the Government conceded the call for a proper re-

view of salaries and benefits and those benefits that civil servants today enjoy was to a large part the result of that effort.

I understand the Civil Service Association is again involved in a battle for benefits, parity, and a proper succession plan for Caymanians in the civil service. They are not having an easy time, Mr. Speaker, but the message that I want to leave with them is to stand firm, stand united, and don't settle for anything less than parity. I pledge that I am prepared to stand shoulder to shoulder with them in their effort.

Mr. Speaker, the other area that I would like to comment on is immigration. I specifically want to deal with the Immigration Board and the Trade and Business Licensing Board. I remember as a result of a private member's motion that I brought with regard to attempting to retain some businesses solely for Caymanians, I was told it was necessary for us to establish a proper Trade and Business Licensing Board that would be in a position to look at these applications in much more depth and do some research to make sure that there is no fronting and that type of thing. I welcome the establishment of that board.

But, you know, the other argument they used was that the Trade and Business License application could be processed much more speedily and professionally. Mr. Speaker, that has not been the experience. I have experienced myself that applications have taken six months to be processed. I know of a number of applications that have been there a year, two years. Why? Because of personal differences that the chairman, or the deputy chairman, or a member might have against an applicant.

You know, Mr. Speaker, the other thing that concerns me is that some members of that board have been involved in conflicts of interest. I had a young man come to see me the other day, he said, "Mr. Jefferson, let me brief you as to what my experience has been in dealing with the Trade and Business Licensing Board." He said, "My partner and I have a number of nice apartment complexes, we have gotten a sale on one of them." The two young Caymanians stood to be paid something like \$2 million for that apartment complex.

The gentleman, I guess through a company, was applying for a Local (Companies) Control License. They lobbied the board members—yes, no problem—only to be advised once a decision was taken that that application was refused. You know, Mr. Speaker, the grounds on which it was refused was because a member of the board wanted the gentleman in question to come to him about holding the 60% Cayman ownership in the company. Mr. Speaker, all is not well in paradise.

I am one of those persons who hates, under any circumstances, to see anyone taken advantage of. Now, here we are talking about promoting Caymanians, providing opportunities for Caymanians, and you have Caymanians that use their office to prevent another Caymanian from an opportunity. It is wrong! I am not calling any names, but I think they know who it is that I am talking about, Mr. Speaker. It is wrong!

As far as the Immigration Board is concerned, they seem to make decisions based on kisses and favours. I think personally . . . and I tell you the truth, I welcomed the other day when we were in the Select Committee reviewing the Immigration Law—

**The Speaker:** May I interrupt? Please do not refer to proceedings within the Committee.

**Mr. John D. Jefferson, Jr.:** No, I won't, Mr. Speaker, I am just going to make a general statement. The statement that I am going to make was supported in the recent report that was tabled in this House which basically says that it is the intention of dealing with issues relating to immigration in an administrative fashion as much as possible.

I personally believe—

**The Speaker:** If I may say further to what I was saying, the report that was tabled is an interim report. It is not a final report of the Select Committee. That is why I am cautious.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, I am as cautious as you are, sir. Believe you me, I am not going to say anything. You don't have to worry.

The message that I want to get across is this: I think personally that the Immigration Board has outlived its usefulness. I see no reason why in this day and age that the Immigration Board should be dealing with applications for work permits. We have a Labour Department or a Human Resources Department and those applications or that function or responsibility should be transferred and handled under that department.

The way that we have applications for banking licences and insurance licenses handled by civil servants, it should be the same way in regard to work permits and for that part even the applications for Trade and Business Licences. I am of the opinion that the decisions of the civil servants would be fairer than those made by appointed members of the public.

I think that we should put in place policies with regard to a time frame for applications for trade and business licences and applications for work permits the same way that we have put them in place in the Planning Department. Mr. Speaker, you and I are aware that probably three or four years ago, Government took a decision to shorten the planning process and it does work very well. I think that's the kind of limit that needs to be put in place with regard to the Immigration Board and the Trade and Business Licensing Board. If you haven't made a decision on an application within a month, then it is approved or referred to some other authority who deals with it and makes a decision. It is ridiculous what is going on at the present time with regard to those two boards.

The other thing that I would recommend some considerations on, Mr. Speaker, is that amendments to work permits be handled in a much more expeditious fashion. How it now works is that if I have someone working with me that would like to get a few extra hours maybe in the



evening time with you, you write the Immigration Board and it takes about eight weeks, because these applications or requests are not dealt with on a weekly basis. Now, I believe if they were dealt with on a weekly basis you would have less applications for work permits because people would be prepared to share rather than applying for a totally new work permit.

That would serve two purposes and two benefits. First of all, it would limit the number of persons that we have working here in the Cayman Islands; and two, it would provide those people who are on a work permits . . . and even though they are on a work permit and they are allowed to work, some of them don't make a lot of money because of the number of hours they get from their employer. But if they are able to share with somebody else it makes it all the better. So, I recommend that we definitely take a look at those areas of concern that I have raised.

You know, Mr. Speaker, the question now has to be asked, what do these areas of responsibilities have in common? I mentioned the prison, the police, the civil service, and I mentioned immigration. What do these responsibilities have in common? Do you know what the answer is, Mr. Speaker, they are all responsibilities that fall under His Excellency the Governor with administrative responsibility assigned to the Chief Secretary.

Now, the question has to be asked if the time has not come for consideration to assign some of these responsibilities to elected ministers. You know, we question the elected ministers with regard to their area of responsibility. But the check and balance that's in place with regard to elected representatives is that every four years they have to go back to the people and give an account of their stewardship. If they have not done a good job, do you know what happens? They lose their seat. That is not the case with regard to those responsibilities that are under an official Member.

The other sad part of this whole situation is this: It doesn't matter what areas we are having problems in, I mean, the Minister of Health could be doing a fantastic job in his area; the Minister of Education could be doing a good job in his area; the Minister of Tourism might be doing a good job in his area, but if those responsibilities that fall under Official Members are not being carried out in a very efficient, responsible manner and we still have problems in the country—crime, prison breaks and all the other discontents—it doesn't matter as the final result will be that it will still destroy the beautiful, peaceful island that we live in.

Mr. Speaker, at the time of the prison riots I was one of two elected representatives who called for the Chief Secretary's resignation. I guess I could have been convinced if things had been addressed in a very responsible, prompt manner and the situation had gotten better. In my opinion, the situation has gotten worse. Mr. Speaker, you know I am not in a popularity contest and it doesn't matter to me who supports whatever I do, I take a position and I stand by that position even if I have to stand alone. Mr. Speaker, I am still asking His Excellency the Governor to request the resignation of the Chief Sec-

retary. Do you know why? I personally feel that he has failed in carrying out his duties responsibly.

It is simple. Mr. Speaker, every four years we have to go back and give an account of what we have done with regard to our stewardship. If we haven't done a good job, believe you me, the people will let us know in no uncertain terms and nobody should be exempt from accountability. Mr. Speaker, all is not well in paradise.

Mr. Speaker, in light of what I have just said, I am now going to delve into an area that most elected representatives refuse to delve into. Do you know why, Mr. Speaker? Because over the years we have been so brainwashed and frightened, and the people have been frightened by politicians with regard to the Constitution. The question has to be asked (in light of what I have been talking about) whether or not the time has come for elected ministers to have at least administrative responsibility with regard to the staff that work with them on a daily basis. I believe the present situation is totally unacceptable. For a minister, an elected representative of the people . . . and you know the sad part about it? These civil servants all live in their respective districts. They don't live in the sky where they are exempted from these things—they are still supporters of the elected ministers in their respective districts and for a minister to have to take a position that, *'well, I don't have any responsibility with regard to the civil service so don't blame me'*. Mr. Speaker, we cannot continue to operate that way in this country.

Do you know why, Mr. Speaker? We try so hard in this country to educate our young Caymanians and then what do we do? We bring them in the service and who is responsible for their welfare on a daily basis? His Excellency the Governor with absolute responsibility and authority. That cannot be right under any circumstance. The ministers must have administrative responsibility with regard to their staff. They must have some say in what goes on.

Mr. Speaker, the analogy that I would like to use, is like appointing you as my general manager at Domino's and say, *'I am sorry, Captain Kirkconnell, but any decision with regard to the staff you have to come to me or that is my responsibility'*. How in the world are you going to be in a position to run that operation? You cannot!

Ministers need administrative responsibility with regard to their staff. One of the first issues that I had to deal with as a freshman politician (that was between 1988 and 1992, and you know my first time was not easy) was abortion. One of the other issues that I had to deal with was the Constitution. And at that stage, it was a proposed review of the Constitution. Mr. Speaker, being a freshman I had to be guided by those who had been here for awhile and were much more [solid] with regard to the political arena and that type of thing. I went along with the idea at that stage of not improving the Constitution.

Now, one of the dangers or one of the things that the elected representatives would first charge you with is that you would like to go independent. We have used that scare tactic over these years so effectively that if you mention the Constitution all of a sudden people go

running for cover. That is not what I am advocating. I am not advocating independence.

Do you know what I did? We have other dependent territories like the Cayman Islands. We have Bermuda, Turks and Caicos, the British Virgin Islands, and I think, we have Anguilla and Montserrat that are still dependent territories. The other scare tactic we have used is that we cannot touch the Constitution because if we touch the Constitution we are going to run away business. I took time to review the Constitution of the British Virgin Islands and Turks and Caicos, the Constitution basically gives the elected representatives more of a say in what goes on in their country.

The other thing is that right now the British Virgin Islands and Turks and Caicos (I don't know too much about Bermuda but they have always done well) are kicking the stuffing out of us here in the Cayman Islands with regard to business. So, can we blame them (with the new business that they have) with the fact that they advanced their Constitution? I don't think so. It has nothing to do with the Constitution. It has to do with administrative responsibility, it has to do with professional services that are available, and it has to do with combativeness.

The position we have in this country is that we sit back because we have arrived—we have always been regarded as the "Jewel of the Caribbean" so we can sit back and just allow anything to come in and we don't have to go out and compete like everybody else for business and that it comes automatically because we have such a good reputation. We have to change that thinking in this country.

I have been here as an elected representative for 12 years (this is my third term), and do you know what? I am frustrated. Do you know why, Mr. Speaker? Because it is the impression of the electorate that we have all this authority. You have a prison break, do they go and look for the Chief Secretary or the Governor? No, they come to Mr. Truman Bodden, Mr. Anthony Eden, Mr. John Jefferson, Jr. or another elected representative. If I tell them, *'well, I really don't have any responsibility.'* [They say] *'What do you mean? I elected you and you are going to tell me you don't have a say in what is going on in this country?'* That is the attitude out there, Mr. Speaker.

Mr. Speaker, the concern that is shared out there at the present time is this: We are losing control of this country and we must do whatever we can to take it back. I am one of those Caymanians that as long my people are taken care of . . . and this has always been the position, if Caymanians are benefiting from what goes on in this country, if Caymanians in the civil service can enjoy the same benefits as anybody else for the same job then Caymanians don't have a problem with others coming in to fill those positions they cannot fill because of numbers. They don't mind that, Mr. Speaker. But one thing that they are concerned about and they resent (and they have the right to do so) is not being treated fairly or the same as somebody else coming from the outside is treated once they come here.

It is time for us, Mr. Speaker, to stand up in this country. I am convinced from what I have seen that there are definite improvements that we need in our Constitu-

tion. I am going to request of whoever it is that negotiates the request it is time for us to have another Constitutional Commissioner's visit the Cayman Islands for the purpose of looking objectively at our Constitution and what improvements we need in our Constitution.

Now, Mr. Speaker, the other scare tactic a lot of elected representatives use is that *'John has called for independence, and he has done it overnight'* but it doesn't work that way. First of all, I am not calling for independence. And there is a process with regard to the review. You are aware of what happens, Mr. Speaker—the Commissioner arrives, and he will come with some model Constitution (and it is amazing how similar they all are, that is, the Constitutions of the dependent territories), they will come, we will look and we will meet as elected representatives and put together a document that we feel is practical for our purpose here in the Cayman Islands. We will then, through a select committee, solicit the views of our people on those proposed amendments or improvements to the Constitution. Even then, the UK Government is not prepared to put in place any new Constitution. They are saying, *'we want to be convinced that these recommendations are supported by a majority of the general population or the electorate.'*

So, Mr. Speaker, even after you have gone through that process—and there is provision in our Constitution now to call for a referendum on issue—you make it an issue with respect to a general election. Once you have gone through that process, the majority comes out that support those changes then you know you have a mandate from the people. You [then] send it back to the UK. They do the necessary changes, and it comes back and it's put in place.

Mr. Speaker, another problem we have in this country is this . . . and I am convinced that if we as elected representatives went into that Committee Room today and decided we wanted to deal with this issue and we decided who is going to hold what positions, it would be done. The problem we have in this country is that we don't want to see one Caymanian get ahead of the next one. Someone has to be the leader, Mr. Speaker; somebody has to be in charge. All these little countries that we look down on and we find fault with, Mr. Speaker, they have their acts together. Why can't we? Mr. Speaker, in my opinion we need to take the positive actions that are necessary for us as Caymanians to regain control of our country.

**The Speaker:** Are you moving on to a separate issue?

**Mr. John D. Jefferson, Jr.:** Yes, Mr. Speaker.

**The Speaker:** Maybe this would be a convenient time to take the morning break. We shall suspend for fifteen minutes.

**PROCEEDINGS SUSPENDED AT 11.29 AM**

**PROCEEDINGS RESUMED AT 11.55 AM**

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on the Throne Speech.

The Third Elected Member for West Bay continuing.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker.

Let me just wind-up what I was saying with regard to the Constitution by saying that we all know that we can make the necessary changes to our Constitution without dealing with the issue of independence—which I am not advocating. The Bible tells us very clearly that without a vision the people will perish. Let us as legislators be the people of vision.

Mr. Speaker, let me now deal with the critical issue of training in this country. I remember during the 1992 political campaign (I don't have a copy of the National Team's Manifesto for 1992 but . . .) one of the key issues that we were advocating was the training of Caymanians. I remember the Minister of Tourism talking about how once he got in . . . I think it was the Treasure Island Resort which was prepared to allow their facility to be used for the purpose of training by adding to members of staff persons who were Caymanian who would be interested in training in that particular industry.

Mr. Speaker, we campaigned on that issue on every platform in every district in this country. It was amazing that everywhere we went we heard employers basically picking up the same theme—*'yeah, you know Mr. Jefferson, I am now working on putting together a little training programme in my water sports business (or whatever business they were in) so that we can attract and train Caymanians and encourage them into these respective areas.'*

Mr. Speaker, do you remember the result of the 1992 elections? The National Team won by a landslide. It wasn't even close. In 1992, I think the First Elected Member for George Town and the Third Elected Member for Bodden Town were also members of the National Team. So, there weren't many independents elected that were not a part of the . . . even the Member for Cayman Brac (who is also the Speaker of the House) I think he was one of the independents that was elected. But the message that I want to get across is that the National Team trashed the Opposition at the polls. Why? Because of the platform that we campaigned on.

We came in and elected our Ministers (and for the first time they were called Ministers rather than Members) and I felt that we were on our own. I was really impressed to be a part of such an outstanding team with that kind of platform.

Mr. Speaker, the whole country held its breath to see what new policies and what new direction we were going to go as a National Team. I cannot deny that a lot has been accomplished—we have our spanking new hospital—which I am very proud of—and not just me, Mr. Speaker, but the people of this country are justly proud of the facilities that we have.

We campaigned on the district clinics. Mr. Speaker, every district in this country now has a modern district clinic all because of the National Team under the capable leadership of the Minister of Health. But the issue that I am going to deal with—

*[Inaudible comment]*

**Mr. John D. Jefferson, Jr.:** No, I didn't say the Leader of the National Team, I said under the leadership of the Minister of Health, because that is his area of responsibility. But the issue that I am dealing with is training.

After we were elected, I recall seeing an article or a letter from the Chamber of Commerce that basically said our policy with regards to work permits was too tight. In order to appease the Chamber of Commerce and its members we relaxed the policy. And do you know what happened? Even if we wanted to now, I think it is much too late because the horse has been out of the gate so long now it is going to be very difficult for us to reverse the trend in this country. What that did was allow the employer in this country rather than having a genuine look at who's available locally as a Caymanian for employment even if they had to train him or her, it made it very easy for them to say, *'do you know something, I am not making that kind of investment here. I am going to apply for a work permit because I know I can get one and bring somebody in from the outside.'*

So, Mr. Speaker, we don't hear much anymore about training in this country.

Now, with regard to training, I think, we could take the respective areas, lets say the hospitality industry—I understand that the way the Bermudans have done is that they have their own hotels and they offer their programmes to young Bermudans. They go through the training, they get their qualification, and they are put in place. That could easily be done here, Mr. Speaker. I don't think we need a hotel, but we could basically implement the same programme.

Mr. Speaker, with all due respect, I don't think that the Community College is the right setting for this type of training because a lot of people in their respective areas, lets say, the hotel industry and the trades (plumbing, electrical and the whole bit) other than the professionals, those who are going into management are comfortable in that kind of environment where you have students who are also pursuing the academic subjects. But we have to come up with some system that is creative in order to ensure that our people get the necessary training in these areas.

One of the most effective ways of doing this, in my opinion, is by tying training to the issuance of work permits. We can say to the employer, *'you let us have your 3 or 5 year plan with regard to your personnel needs and that type of thing. Show us what plans you have in place with regard to the number of Caymanians that you are going to employ and where they will be in 3 - 5 years' time.'* Based on that, a decision is made with regard to issuing work permits.

Now, one of the proposals that came out of the review of the Immigration Law is that we have a 5-year maximum with regard to work permits. Now, I know that has not gone over very well with a lot of people. And it is mainly those people who rely probably solely on the foreign market with regard to providing or supplying their labour needs—I couldn't care less. My first commitment is to the Caymanian people. Mr. Speaker, government

has to set the right example for others to follow. Now, there is an attitude that we are going to tell you what to do but we can do whatever we feel like doing. I think that government has to lead by example, by showing a genuine interest and effort in recruiting Caymanians, providing them with a proper developed succession planning and a plan that they can follow with regard to a career in these respective companies or in government.

I touched briefly on the issue of parity when I was speaking about the civil service. It is not only in the civil service where this is the problem. I mean, you go into some of the local banks and accounting firms and the situation is the same. You get an officer, let's say a qualified banker or trust officer that is brought in from the UK or Canada, and I am there as a local qualified banker or trust officer working into the same department, the chances are that the person from the outside comes in on a much better salary package than I have. They are probably given a housing allowance, a car allowance and in a number of instances they also get a lot of their expenses, you know, utilities and that type of thing, taken care of. While I as a Caymanian am given a salary and I am told, *'you go ahead and do whatever you can do on that salary because you are local and you don't need these extra benefits.'*

Mr. Speaker, the Caymanian has to look for housing like anybody else. The Caymanian has to pay his electricity bill like anybody else. He has to pay for his car like anybody else and, like I said, for too long this issue of inequality has existed and we must correct it. Now, I have a funny way of dealing with issues of this nature. By that, I mean it is better for us to sit down in an amicable way with the respective employers and work out a plan in this area. But from the experience that I have seen over the last eight years, I believe that certain employers are going to have to be forced to do something in the area of training and parity. I don't see it happening any other way. Some employers are going to have to be forced to do it.

Now, I think we have to be practical and we have to be reasonable with regard to this issue of training in that we have some very small companies here and the issue should be if you can find a qualified Caymanian he must be given preference with regard to employment. But it is not practical, for example, in a little retail store where you may only need one clerk, to say you have to employ a non-qualified Caymanian and keep him on the programme in order to train him. I think we can go about the training from the standpoint of an institution where we can make that training available and once it is available, insist that a Caymanian be given preference with regard to employment. But something has to be done with regard to training.

Now, the other issue that we are faced with is that every year we boast of so many visitors to this island—I am not getting into tourism as yet, but it affects this area. We have visitors to the island and we boast of the numbers increasing every year. Mr. Speaker, the preference with regard to our visitors is that they would prefer, when they walk into a hotel along Seven Mile Beach, first of all, to be greeted by a Caymanian bellhop who is smartly

dressed and very friendly; and then to be greeted at the front desk by a Caymanian because the whole idea is coming here to have a *local* experience. Somebody coming out of Canada does not want to be served in a restaurant by a Canadian, they would prefer to be served by a local person. So, Mr. Speaker, we need to definitely address the issue of training in this country.

I know a lot of employers are not going to want to hear this, but what has to be addressed is the issue of a minimum wage in this country. What some establishments are paying their staff is ridiculous. One of my constituents came to my office yesterday and she was telling me about an establishment along Seven Mile Beach that is paying something like \$2 to \$2.50 per hour, but there are promotions and the gratuities are good. Mr. Speaker, the gratuities have nothing to do with wages. You have a minimum wage that you get regardless of whether or not you get any gratuities to support yourself and your family. Gratuities are there as a result of the business that comes in and the good job that you do and that should be on top of what that person earns.

Mr. Speaker, the hotels in particular have been using scare tactics again in this area because I had two young ladies from my district come to me one afternoon and they were very upset. Their attitude was *'John, we don't want you pushing for any minimum wage because our bosses have told us that the day minimum wage comes in, we are going to cut out gratuities.'* Mr. Speaker, nothing could be further from the truth.

You know, Mr. Speaker, when you walk into the Westin, the Marriott or the Hyatt Hotel and they say, *'Mr. Jefferson, we have a reservation for you for seven nights and it is \$400 - \$450 a night for your stay'* . . . Mr. Speaker, with those kinds of rates, are you going to tell me that they cannot do better than \$2.50 an hour in wages? Once again, we, the elected representatives, are so concerned that if we make a decision with regard to what is going to happen to our people that we are going to run away people. Mr. Speaker, it is important for us to attract and encourage business to come to this country, but it doesn't matter if it doesn't benefit the local residents. So, we definitely need to do something with regard to the minimum wage.

I am prepared to acknowledge that the former Minister for Community Development, my colleague from West Bay (the First Elected Member), did a lot of work in this area with regard to a committee that looked at the whole issue. I think they even came back with a report on their findings and recommendations. Of course, it was never implemented. Why? Because we have these special interest groups who lobby politicians all the time and say, *'No, don't do that! you are going to kill everything in the country.'*

Mr. Speaker, rather than us making 50% return on our investment maybe we can settle for 25% or 30%. Why? Because we have had a genuine interest in ensuring that the members of staff that work with us make an income that can support them and their family. Let me put it this way, Mr. Speaker, if I was the Minister of Labour, minimum wage would have been put in place a long time ago. We talked about it for too long.

The other problem that we have, Mr. Speaker, is that you have these respective issues or responsibilities, lets say, training falls under community development, it probably falls under education, and it falls under the Ministry of Tourism. What happens, Mr. Speaker, is that because you have the respective ministries all having a responsibility for a specific subject nothing gets done because there is no consolidated effort in dealing with the issue. None whatsoever!

Mr. Speaker, I think it is time that we talk less and act more in dealing with the issues of this nature. Like I said, the most effective way for us to deal with this issue of training is by tying it with the issuance of work permits. Mr. Speaker, I am quite sure you have your ear to the ground like I do, there are lots of rumblings out there right now among our people. Our people are very concerned. One of the concerns they have is overcrowding—too many foreign people among us.

Mr. Speaker, there is a limit to the amount of business that we can accommodate in this country. Every time we approve an application for a hotel we are adding at least 250 - 300 persons that have to be brought in on work permits. You tell me, Mr. Speaker, does that make sense? How does Government benefit from that? Trade and Business licensing fees! Caribbean Utilities Company (CUC) gets their share because of the utilities, but our development at this stage has to be planned development.

The other thing that I see which I don't agree with . . . what happens in a country that depends on who benefits? It has nothing to do with our overall national policy with regard to growth or development, but who benefits. That is not good, at all, Mr. Speaker. There is only so much that we can accommodate in this country. So, we need to come up with a proper plan to deal with the issue of training in this country.

Mr. Speaker, the next area I would like to go into is the Ministry of Tourism, Commerce, Transport and Works. Under the Tourism Department, it says, "**Efforts this year will focus on a renewed presence in the US market with emphasis placed on building and maintenance of relationships with key media and marketing partners in the international arena.**"

It sounds good, Mr. Speaker. Like I said, I cannot say that nothing has been done in tourism. That would be telling a big lie. I think we have done fairly well in the islands as far as tourism is concerned. But I believe every once in a while it is necessary to tweak the programme to see what additional benefits or improvements can be realised. Mr. Speaker, right now I believe that is necessary.

I was talking to a gentleman the other day that is in the tourism industry. We were talking about tourism and where are the tourists and what has happened and what needs to be happening. He said, '*You know, John, we had a 7% decline in tourist arrivals (that is, overnight arrivals) from the US.*' And what happened? The Director of Tourism got a raise. He said, '*If I as a manager had a 7% fall off in my business I would have been fired.*'

Mr. Speaker, I took time out to do some research and got copies of the statistics of tourist arrivals. I started

looking at the trend from 1996 (because between 1992 and 1996 we had a phenomenal growth in tourism). I specifically looked also at visitor arrivals from the US. Mr. Speaker, with your permission let me just mention a few of my findings.

In 1996 (and this is arrivals by air) we had 274,725 persons arriving from the United States. In 1997, we had 278,665 persons arriving, and according to my calculation that is an increase of 1.4% over 1996.

In 1998, we had 295,175 persons arriving from United States and this is 5.9% increase over 1997. In 1999, arrivals by air from the United States were 280,260 persons. According to my calculation that is a decrease of 9.5% compared to 1998.

I also went back and looked at the overall totals of arrivals by air. In 1996, we had 373,245 persons arriving. In 1997, we had 381,188 persons, an increase. In 1998, we had 404,205 persons arriving, which is also an increase. In 1999, we had 394,534 persons, which is a decrease compared to 1998.

Mr. Speaker, included in these figures are arrivals from Jamaica. In 1996, we had 32,616 persons arriving from Jamaica. In 1997, we had 35,540 arriving from Jamaica, which is an increase. In 1998, we had 39,336 arriving from Jamaica and in 1999, we had 42,751 persons from Jamaica. Basically, what has happened is that the visitors from Jamaica play a very important part with regard to arrivals of our visitors by air.

Now, Mr. Speaker, under no circumstance should we underestimate the contributions of persons from Jamaica who visit this country. But as far as the hotel and condominiums, we know that they don't stay at those establishments, not many of them. They come here and they stay with family and friends. So, to a large extent, the increase that we have seen between 1996 and 1999 was caused by the arrival of visitors from Jamaica.

Mr. Speaker, between 1988 and 1992 when Mr. Norman Bodden was responsible for tourism, from those days I heard that we were catering to a special class of tourist in this country. I think they targeted visitors as someone who earned (even it is a couple) between \$80,000 - \$100,000 per year, something in that region. We can go after those kinds of people, but those are not necessarily the people who come here and spend money. I am not saying they don't, but they come here with their families and they eat at Wendy's or Burger King or Domino's or any of the other fast food places like everybody else. Why? They want to control what they spend on their visit to the Cayman Islands.

Mr. Speaker, I also took time out to talk to the managers of the major hotels along Seven Mile Beach. I got most of them except one (which doesn't surprise me) and basically just asked them what's going on with regard to tourism and the occupancy rate and that type of thing. At one establishment, the occupancy rate was like 78% this year compared to 89% the same period last year. At another establishment, the occupancy rate at the present time is like 70% (and we must keep in mind that we are talking about high season, which is between December and April in the Cayman Islands). At that same establishment last year, the occupancy rate was in

the 80's. The last establishment that I spoke to said that their business in January was off 15% compared to last year.

I asked them, *'what do your advance bookings look like?'* We are talking about February, but up to this point a lot of them cannot predict what March or April will look like.

Mr. Speaker, I know that there are a number of factors that affected tourism to a certain extent this year and one of the most popular excuses is Y2K. I believe it did affect the decision with regard to a lot of persons travelling, even me. I would have loved to have gone to Florida for maybe a New Year's concert or something, but I dared not take the chance. I believe that was a lot of people's attitude—they were just not prepared to take the chance of travelling with all of the hype that went on with regard to the possibilities of Y2K.

One of the managers that I spoke to mentioned, *'You know, John, when I see an advertisement for the Bahamas on national television I get the urge immediately to want to jump on a plane and go to Bahamas for a visit.'* He said, *'I believe that our advertisements that we are running at the present time are little. They need some oomph.'* *'They need a little change, a new slogan, a new theme.'*

Mr. Speaker, in this business, and tourism is a business . . . one of my constituents said to be the other day, *'John, they can talk about banking and they can talk about a lot of other things in this country, but if tourism does not continue to do well in this country we are all in trouble because only a certain amount of persons are offered employment by the financial industry.'* But everyone else in some way or the other is affected by what happens to tourism in this country. He said that we need to look at our ad campaigns with a view of being creative in updating it so it becomes a little more attractive.

Tourists continue to complain about the high cost in this country and, in particular, they complain about the cost of food and beverages, that is, beer, wine and all the other mixed drinks.

The other thing that this person mentioned to me, which I thought was interesting, was that visitors would like to hear more Caribbean music. Now, I don't go to nightclubs so I don't know what they are playing out there—but it is not Caribbean music as far as I am told. In other words, if they come out of United States, they don't want to hear rock music or rap or whatever—they want to hear what is available locally.

We have some very good local musicians and I remember some time ago a number of them came to me talking about the difficult time they were having with regard to finding employment, in particular among the hotels. What the hotels would do is to employ a band from the outside that came in and played the music from whatever country they came from. So, according to this gentleman, our visitors would like to hear more Caribbean music on their visit here.

The passing comment that he made was this, *'The islands have great potential, but it must be planned.'* In other words, our development, how we move forward in tourism, must be planned.

Mr. Speaker, under the Public Works Department, it says here under capital works, **"The major capital building projects scheduled to be completed this year include [and I just highlighted a few of them]:**

- ♦ **"Phase 1 of the Breakers Drug Rehabilitation Centre.**
- ♦ **Construction will also commence on the final phase of the new hospital project which will provide new facilities for mental health, geriatrics and hospice care.**
- ♦ **Also, Phase 2 of the Breakers Drug Rehabilitation facility is also planned and the West Bay Civic Centre and Hurricane Shelter."**

I want to say that I think one of the major challenges that we have in this country at the present time is the issue of illegal drug abuse. I pleased (because it was a part of my political campaign from 1998) about the possibility of having local rehabilitation facilities for our people who find themselves in the unfortunate position of suffering from drug addiction.

I know the Minister of Health had a very difficult time trying to get approval from Planning, and from the residents, for the rehabilitation facility in Breakers. I recall that the process took about four to five years. But I am pleased to hear that finally, I think by this summer, the facility will be available for use in the treatment of our people who suffer from drug addiction.

Mr. Speaker, I mentioned before and I will mention again, one of the greatest threats that we have in this country is from this particular area. Persons who suffer from illegal drug addiction are involved also in a number of the crimes that are committed in this county—burglary, theft, and even probably murder. When these persons need a fix—most of them have graduated from ganja or marijuana to cocaine, crack, crack cocaine—they will do whatever they have to do in order to get that fix.

Mr. Speaker, I also have a very strange philosophy in this area. I know the experts have said that unless somebody wants help there is no good for us offering them any help. What are we supposed to do as a community? Are we supposed to just allow them to continue to walk through the districts peddling their illegal drug consumption? And should we as a country just stand by until they say to us, *'Boy, Mr. Jefferson, I really need help so I am coming to you for help?'* I believe personally that if you wait until somebody who suffers from drug addiction recognises that they need help, you are going to be treating very few of them. But I am hoping that the courts (where a lot of these persons end up because of crimes) will be able to demand that as a part of their sentence, if not all of their sentence, be served at the local drug rehabilitation centre where they could be counselled, where they can be detoxicated and where they can get help for their very serious addiction.

Mr. Speaker, we have been talking about the West Bay Civic Centre and Hurricane Shelter project for a very long time. I think since that 1992 it was supposed to be a possibility. As a matter of fact, if I am not mistaken we did have the groundbreaking for it about four or five

years ago and up until today, we are still talking about a civil centre/hurricane shelter for the district of West Bay.

Now, Mr. Speaker, we have the assembly hall for the West Bay Primary School. I recall about a year or two ago, we decided to defer our civic centre in order to make sure that there was money available for our assembly hall, which I think was desperately needed. I am very proud to see the facility that our West Bay Primary School now has in place for that purpose.

I don't know what the latest statistics are, but in the district of West Bay we probably have about 10,000 people. The district of West Bay extends up to the Governor's Residence or a little beyond. In that district, we don't have a proper facility for any purpose, Mr. Speaker, social or otherwise. Now, that does not speak well for us first of all as West Bayers or as a people. We don't even have a district library in West Bay and the whole idea was that we would get a civic centre and then convert the old West Bay Town Hall into a nice district library. I think that is a good plan but let's get on with the idea or the issue of a civic centre in West Bay.

Mr. Speaker, once again, if I were in charge, it would have been done! We talk and we talk—it would be done. The First Elected Member for West Bay during Finance Committee moved a motion that we make available whatever funds we need this year in order to get on with that project. I think it was (if I am not mistaken) something like \$350,000 in the budget for that purpose. It is estimated to cost in the region of \$4 million. I believe that from the plan that I have seen, even though they have been scaled down a bit from what we originally proposed because of the cost, it would be a good facility once it is done but I am anxious to see to it that it is done.

The Minister of Tourism who is the Minister of Works has promised that it is going to be done. As a matter of fact from last year, he said, *'John, I guarantee it is going to be done.'* I told him that I would be like Doubting Thomas—I will believe it when I see it. That is still the position I am taking, Mr. Speaker, with regard to the civic centre for West Bay. . . Mr. Speaker, I am going on to another subject if you want to take the lunch break.

**The Speaker:** I think this would be a convenient time to take the luncheon break. We shall suspend until 2.15 p.m.

#### PROCEEDINGS SUSPENDED AT 12.49 PM

#### PROCEEDINGS RESUMED AT 2.44 PM

**The Speaker:** Proceedings are resumed. The Third Elected Member for West Bay continuing.

**Mr. John D Jefferson:** Thank you Mr. Speaker.

When we took the lunch break I was dealing with the Capital Building Projects and I ended on the issue of the West Bay Civic Centre and Hurricane Shelter.

Before I go on to Road Works, let me just add an additional comment that I should have made under training in respect to the minimum wage. I did mention that

the former Minister for Community Development, that is the First Elected Member for West Bay, had put together a committee to deal with the issue and they had come up with certain recommendations in this area. But, as I understand it, those recommendations did not come forward because he did not have the support in Executive Council.

Under Road Works, I see where it is planned that Phase 1 of the Crewe Road Bypass will continue. From what I am hearing, the work is well underway, not starting at the Crewe Road area but much further into the district of Bodden Town coming down, with the idea of linking with this particular junction in order to ease the traffic situation coming from the eastern districts. The improvements that we have made so far to our road network, in particular the Galleria Bypass of the Harquail Bypass, has made a tremendous difference in traffic congestion coming from West Bay or in the Seven Mile Beach area.

I am aware as well that there is a serious traffic problem in the mornings and afternoons coming out of the eastern districts. The experience is that if you are not on the road by 7 AM—and sometimes that is even too late depending on where you are coming from—you can spend maybe an hour to an hour and one half in traffic on your way into George Town. I am pleased that we are moving on with the Crewe Road Bypass and I am proud of the calibre of work that has been supervised and performed by the Public Works personnel, especially the Roads Programme.

Mr. Speaker, unless I see it and I am able to envision what that looks like you cannot explain to me. For example, the bypass near the A. L. Thompson Depot, I could not in my wildest imagination perceive the way it now looks. And, the thing about it is that it is such an efficient and practical addition to the road network in that area—everything runs smoothly. A lot of credit must go to Mr. Mark Scotland who is our Roads Engineer, who is a young, qualified, competent Caymanian, and to his staff for the quality of work being done in that particular area. I am quite sure that no less will be done with regard to the extension leading out of the eastern districts.

The other area that I would like to look at under the Ministry of Tourism, Commerce, Transportation and Works is the Vehicle Licensing Unit. I am very pleased to hear that plans are moving on to establish another satellite unit of the Licensing Department in Bodden Town that would be in a position to serve the residents of the eastern districts, that is, East End, North Side and Bodden Town. From experience, the one that has been established in West Bay works very well. It has convenient hours in that you can go home in the evening, take a shower, have something to eat and go back later on and take care of the licensing of your motor vehicle right there in the district. At most times there is no problem with crowds and, as I have said, it works very well. So, the addition of another satellite unit in Bodden Town will be a tremendous asset with regard to that particular unit.

The other thing that I am very pleased about is that the Vehicle Licensing Unit, is headed up by some young, very competent Caymanians, in particular from the dis-

tract of West Bay. They do a tremendous job in carrying out a very professional service from that particular unit of government.

One of the functions also of this Unit is the licensing of taxis, tour bus operators, and buses that are authorised to travel back and forth between the districts and in handling of our passengers and visitors to our islands. The issue of transportation has always been an area that has had a lot of interest because (like me, for a year and one half) many of our people depend on a livelihood from that particular service or industry.

We don't seem to be able to get it right from the standpoint from doing what is fair and equitable for all parties involved. By that, I mean with regard to the Port, we get constant complaints that the tour buses are taking away all of the business. The independent taxi operators don't get enough business. There is a constant fight and a constant challenge. One of the reasons why I pushed so hard for some type of licensing system to be put in place was because we would then be in a position to control the numbers and, by controlling the numbers, you give those persons who are employed in those areas more of an opportunity to earn a respectable living from that service.

One of the areas that I hear a lot requests from is the bus permit system that allows licensed buses to operate within the districts on respective routes. According to the Regulations, this particular service or licence was first of all to be for Caymanians only. That has not happened, we have others licensed who for some reason or another cannot find a Caymanian to run their particular vehicle. Once we start making exceptions, that particular group of persons will grow beyond what we would like. But, the problem that we are having now is that we have too many people licensed on some of these routes, which makes it more difficult to earn a descent living.

One of the other requirements to be put in place, I think from 1992, was that in order to purchase an additional bus you had to have the approval of the Ministry responsible (and in this case, the Ministry of Tourism and Transport). The idea was that you would control how many buses or vehicles any particular group or individual might have available at any time for introducing into this particular service. I was a bit surprised when I requested the statistics with the information that I got. I don't know on what basis bus permits are issued, but there is definitely something wrong with the statistics because a number of persons (and I am talking about West Bayers) . . . some Caymanian persons in my district have come to me and said, "John (or Mr. Jefferson), I have a bus, I would love to be in a position where I can get a bus permit in order to run it between West Bay or George Town." Or, "My husband needs something to do and I would let him drive it if I can get a permit for him." The problem we ran into when I went to bat for them was that we were told that there were no more positions available on the route to West Bay in particular.

Mr. Speaker, as I have said, if it is controlled, you are able to make an honest decent living from this area. But, when I called for the statistics, I was surprised . . . and maybe the Minister can give us the answer why

it was done this way. I will read some statistics to you Mr. Speaker and make some general comments.

#### **District of West Bay: Route 1:**

| <b>Operator</b>  | <b># of buses</b>                                     |
|------------------|-------------------------------------------------------|
| Dave Kelly       | 4                                                     |
| Robert Ebanks    | 1                                                     |
| Mitchell Powery  | 1                                                     |
| Herby Ebanks     | 1                                                     |
| Robert Jefferson | ?? [2 - question marks: I don't know what that means] |

#### **District of West Bay Route 2:**

| <b>Operator</b>  | <b># of buses</b> |
|------------------|-------------------|
| Dave Kelly       | 4                 |
| Robert Ebanks    | 1                 |
| Luke Berry       | 1                 |
| Manley Berry     | 2                 |
| Robert Jefferson | 1                 |
| Arlene Forest    | 1                 |
| Eldon Ebanks     | 1                 |
| Turley Ebanks    | 1                 |
| James Barnes     | 1                 |

Mr. Speaker, what is the reason why one operator from West Bay—Dave Kelly—has permission to operate eight buses?

Now Mr. Speaker, how I envisage this happening or operating is that if I had a bus of my own that I wanted a licence for, I would be given a licence to operate my bus. But this young man . . . maybe the Minister can answer when he gets up. What is the logic behind giving one person eight permits when other persons on the waiting list—I am told up to a year—cannot get an opportunity to get one bus permit?

Mr. Speaker, I don't know how much you operate in West Bay but it is my information that one of the reasons behind it may be because Mr. Kelly and his family are great supporters of the Minister of Transport. Now, if it ended there maybe it would be bad enough . . . and I did not take the time to check but I am told that that same individual also has permits at the Port Authority for another three or four buses. It cannot be justified under any circumstances in my mind when being in the industry for a year and a half, I know how difficult it is to earn a living in that area and also the opportunities that are available in that area. They must be shared equitably among the people who are interested in operating in this particular industry.

As I said, I hope the Minister can say why he feels that one individual can have eleven or twelve buses when other Caymanians who have an interest in having at least one permit, cannot get one. The Minister and I both know that there are persons who could not get a licence because too many were issued to one individual. Mr. Speaker, as I started by saying, all is not well in paradise. Not even in the transportation industry.



I have said enough about Tourism, let me move on to the Ministry of Education, Aviation and Planning. Under Training it says, **“The Ministry intends to continue the National Training Initiative that began as a joint project with the Ministry of Community Development some years ago. A new Training Board will be convened to guide the formulation of a national training policy.”** He said, **“The ministry is currently investigating the development of training standards which establish goals towards which an organization can work and benchmarks against which progress can be measured.”**

One of the problems that we have in Government is that there is very little succession planning. In other words, the First Elected Member for George Town, if he has a responsibility and it is transferred to me in a different Ministry, rather than me continuing to expand and improve on what I received from the First Elected Member for George Town, I have to come up with a new plan myself. That does two things: First of all, it delays the programme and in the long run very little or nothing is accomplished; and it also adds to the cost of the particular plan. We have to get on with this and get away from the idea that unless we came up with the idea that it is not a good one and be prepared to take the best of what is available and improve upon it.

I recall that the former Minister for Community Development during his first term, between 1992 – 1996, had a Manpower Survey done. He had a committee that was responsible for looking at those findings, coming back with recommendations with regard to the way forward. A lot of time and effort was spent in that exercise. I will tell the truth, it made me feel good for the first time thinking that something was going to be done with regard to training in these Islands. He (the Minister) lost his responsibilities it went to another Minister and today—some three or four years later—we are still talking about initiating a programme for training. Mr. Speaker, I think we have to get beyond talking and we need to get down to some positive, concrete actions in dealing with the issue of training of Caymanians. Training is a key to our continued success as the progressive and vibrant society we are known as.

Under Education it says here, **“the national curriculum continues to be developed with key Stage 3 and 4 being crafted in maths, Science and language arts. Textbooks for years 1 – 6 have been developed in social studies and they should be ready for distribution to schools during this year. A comprehensive plan for the inclusion of vocational education will be developed for those students not interested in a traditional college education.”**

Mr. Speaker, this is not my area of responsibility, but I remember when the Strategic Plan for Education was launched. There was a lot of hype; experts were brought in to guide the programme. It involved a lot of residents and Caymanians alike in the process and they come up with some key strategies. But it appears that we are having a problem moving the programme forward. Some of the problems that I feel this particular strategy might be suffering from is first of all, that certain individu-

als have been appointed to carry out these responsibilities that have not been given the proper training necessary. I have a bachelor's degree, but I will tell you the truth, I would not want to be placed in that kind of position without first being exposed to how to go about getting the job done. I believe that might be one of the problems for the programme not moving ahead as swiftly as possible.

The other thing that in my opinion may be a cause for the delay is that I understand we have a basic core of persons responsible. But it takes more than them to get the job done. And what we are doing is we are expecting or depending on teachers, I understand on a part-time basis, coming in and assisting with moving the plan forward.

Mr. Speaker, since education is such an important issue in this country, my approach would have been invest and spend whatever money is necessary, employ as many persons that are necessary in order to move the plan forward as quickly as possible. We are now four or five years later and we are still talking about the implementation of some of these strategic plans for education.

The other approach that I think we should have taken is . . . let us take the subject of mathematics. It is pretty universal. I see no reason why we had to develop a special curriculum in the area of mathematics specifically for the Cayman Islands. It is very possible that you could have gone and found a model that you felt was practical and applicable to our situation here and implemented it after some adjustments or refinements. But I don't think we needed to reinvent the wheel in all these different areas.

I am reminded that Ministers are not responsible for personnel, but maybe I should gear this directly to the Chief Secretary or His Excellency the Governor: there has to be somebody, if that person is not already employed, who is a coordinator of the whole programme to push the programme along. Set proper deadlines for things to be accomplished. There must be benchmarks on which these things can be measured and you move ahead accordingly. Mr. Speaker, the danger we run into is that if we don't find soon a way of implementing some of these key strategic recommendations in education, by the time they are implemented they will probably be outdated.

Mr. Speaker, with respect to education, I am also glad to see that a review of the Education Department has been commissioned. And I must add that I eagerly await the findings. I am also confident in adding that I have no reason to believe that the review will not be carried out in a very professional and objective manner. But the conclusion that will be arrived at is the same one that I have arrived at with regard to my dealings with that particular department. And I was thinking the other day what other department I should compare it with—I couldn't. From my dealings with that particular department, I have come to the conclusion that it is one of the worst run and one of the most unprofessional, inefficient departments in Government.

We spend a lot of money and every year we come down here for a huge budget for education but are we

getting value for our money spent in this area? I have come to the conclusion that we are not.

The one thing that we have going for us in the area of education is that we have good teachers in the classroom. I am of the opinion that there needs to be a revolutionary approach to the Education Department because some serious but positive changes need to be made to the administration in that department.

Mr. Speaker, I am also very pleased to see that we are moving ahead with the plans for the Lighthouse School. It is scheduled to open in the fall of this year and it will be fully completed in early 2001. It is going to cost us a lot of money to put that facility in place, as matter of fact, much more than I anticipated it would cost. But this is an area that we need to really get on with because the Lighthouse School deals with and schools our children with special needs.

I didn't see it mentioned in the Throne Speech but another area of special needs as far as education is concerned is the Sunrise Centre in West Bay. Mr. Speaker, miracles have been performed with regard to those students that attend that institution in our district. I must commend the members of staff of that facility for their dedication and efforts as they work tirelessly from day to day in meeting the needs of our students with special needs in very inappropriate, cramped and congested facilities.

I have visited there on a number of occasions and I am amazed at what they are able to accomplish under such poor conditions. Now, like I mentioned before, the former Minister for Community Development when he was there between 1992 and 1996, I think this fell under Social Services. I am aware that there was initiation by him to try to get a facility for us in West Bay and, you know, one of the facilities that was identified . . . Mrs. Edith Ebanks came to see me at my MLA Office in the West Bay Town Hall just last week. We were talking about it. I asked her if she was still interested in selling her property for the purpose of converting it for a new Sunrise Centre. She said, *'John, I am definitely still interested.'* But I am aware that the former Minister did get some money put into the budget, something like \$200,000 (even though he wasn't directly responsible) for us to move it ahead.

The problem we had is that people from the Lands and Survey Department went down there, appraised the property, and she was offered something like \$168,000 for her property. Now, if you know the residence of this lady that I am talking about, she probably has three or four bedrooms plus there are two large pieces of adjoining property that could be used for the same purpose. Not only that, Mr. Speaker, it would be more than enough space to accommodate the needs of the Sunrise Centre. One of the concerns that the residents and parents, as well as members of staff, have is concerning the moving of that particular facility out of the district of West Bay because a lot of the students there are West Bayers.

Mr. Speaker, this lady still has an interest in selling her residence for this purpose and she said, "John, I will take \$350,000 or \$375,000 for my property."

I asked her if she was prepared to negotiate and provide Government with an instalment plan. She said, "Sure I would."

The Government could give maybe \$200,000 - \$250,000 and then extend the balance over a year or two years and you have gained a facility that you can use. You would probably have to do some renovations to make it suitable for the purpose, but the members of staff of the Sunrise Centre have been there and they have seen the facility and they love it. It is just across the road from the sports field for the West Bay Primary School so as far as exercise and that type of thing it is an ideal location. I am asking the Minister of Education to look seriously at acquiring that property for that purpose.

The other thing that we need to do with regard to that facility is to take a serious look at the salary and benefit of the staff there. This has been a campaign of mine since 1988. The difficulty that they have there is that you have some members of staff who do an excellent job but don't have a professional qualification—they don't have a degree in teaching or whatever but they are capable of doing the job. So, over the years it has been held against them with regard to their salaries. Mr. Speaker, because of the valuable role that they play with regard to our society in dealing with our students or young people with special needs, this needs to be addressed.

Now, Mr. Speaker, if you had to bring in people from the outside (and government is as guilty of this as anybody else), you would probably have to first of all pay whoever you bring two or three times what your Caymanian members of staff there are earning. And there is no guarantee that they will do a better job than what these persons are doing. First of all, they are Caymanians and nobody cares for your own like your own.

The other thing that needs to be done is that we need to look seriously at providing proper funding for equipment and facilities for that school. They need all kinds of equipment in order to be able to do the programme or do what they need to do with regard to these students with special needs.

Mr. Speaker, generally looking at education as a whole, as it relates to public schools, I think personally it is very sad to see that we need to, first of all, station police at our schools. What has happened to us over the years is that we have allowed persons from the outside to come in here and influence our way of life.

Now, Mr. Speaker, you and I both know that when we were attending school (I attended public school), if you stepped out of line, you were dealt with and in most instances very severely with a strap that was mainly administered by the principal of the school. Now, when I went to Secondary Modern, every classroom was basically responsible for its own corporal discipline. How in the world are you going to run a school . . . how in the world are you going to run a society that doesn't have such discipline in place? It is very, very difficult indeed and I think where we went wrong was when we started recruiting staff, that is teachers, other than from the Caribbean because the other Caribbean countries, their traditions and way of life has been very similar to ours. The

UK members of staff like the UK have totally different concept with regard to control in the classroom or elsewhere. And I think we need to do whatever we have to do in order to address and correct the present trends that I see in our public schools.

Now, in the private schools we don't have those problems. For example, at Wesleyan Christian Academy before you child is enrolled you sign a little agreement that basically says, *'I agree that if my child needs corporal discipline that it can be administered'* under very controlled conditions. For example, you cannot paddle a child without someone else being there as a witness. There are a certain number of swats that you can give that child because you don't want to be accused of child abuse. And that is very important. But I think we have gone to the extreme on the other side in order to avoid any semblance of child abuse. We have said, *'let's get away from all forms of corporal discipline'* and as a society, we are paying for it today very dearly.

The other thing that I think we need to insist on in our public schools is the reintroduction of daily religious devotions. I have asked the students from the middle school what they do on a daily basis. How it works, you are in a house so the head of house gets together in a little group and talks about what is going to happen in the school this week and discuss matters and issues and then they may say the Lord's Prayer. It may not necessarily be someone who is religiously minded who is in charge of these particular responsibilities.

Now, I brought a motion a few years ago asking the Minister of Education to consider appointing school chaplains for that purpose. I know our schools are big, but we have huge assembly halls. Why is it that they cannot do today what we used to do at the beginning of every day, where you get into general assembly and whoever is in charge reads the scripture and you sing a couple of songs and you pray? It keeps you sober and conscious that there is a higher authority that we all have to answer to. We can no longer continue to allow people from the outside to come in here and influence us negatively in these areas.

You know when I graduated from Morgan State University in 1973, I made one conscious decision. Do you know what that was, Mr. Speaker? My fiancée at the time basically wanted to stay in the United States as she was a United States citizen. I would have probably ended up on Wall Street or someplace like that, but I had no real desire to work and live in any place other than here in Grand Cayman. Do you know why I came to that conclusion? Because of the problems and the issues you are faced with in those societies that we don't have to bother with here in the Cayman Islands.

The other thing is that there you are a foreigner. If you go to the United States today and you look for employment, you have to take whatever is available to you. You don't go there and demand anything—you cannot. They will tell you straight and plain *'Here, particular jobs are reserved specifically for Americans'*—truck drivers, heavy equipment operators . . . those are the kinds of areas that most Caymanians once they migrate to the United States had to do in order to earn a living.

The reverse is not true, Mr. Speaker. When people come in from the outside . . . they are telling us what position they want, what salaries and benefits they are going to settle for. What do we as Caymanians do? Oh, we are so thankful that they came in, you know. They came away from their beautiful country and that type of thing. The conditions that they live under here . . . to come to this little backward place in the Caribbean. So, we are so thankful that we would give them anything they wanted, and that is what we are dealing with this morning with regard to the civil service. It is no longer necessary, we are no longer the little country that time forgot.

Mr. Speaker, whenever a job is advertised overseas that's available in the Cayman Islands, in most cases they have a long list of applicants. Do you know why? Because we enjoy such an impeccable reputation here in the islands. People want to come here to work, but they must come in under our conditions. They must come and they must fit into our way of life, our belief system, and the whole bit.

I understand we have in the Cayman Islands something like 150 different nationalities—as far away as South Africa. And what they all do is that they all bring their own systems, their own beliefs. What happens is that we as Caymanians, those of us who are in authority are saying, *'Well, you know, we have to accommodate everybody.'* So, like the little boy, and the man who had the donkey, we try to please everybody. What happens is that we are all going to fall into the river at the end of the day.

Mr. Speaker, if there is ever a time in this country when we needed strong leadership, it is today, in every area. Set the conditions! Do you know what happens once people know what the rules of the game are? They will comply.

Are you going to tell me, Mr. Speaker, that if you have a student or a parent, let's say in this case who is Pakistani or Indian, applying for admission for his child into a public school and he is told, *'well, you know, in order for your child to be as a student in this school they have to attend religious devotions daily at the school.'* Do you think they could say, *'well, because that is the condition we don't believe in that is not going to happen?'* No, Mr. Speaker, that is not the case. People comply with the rules and those who are not prepared to do so—tough—thank them for their time and make them find alternative facilities or services. We don't need those kinds of people here in the Cayman Islands.

Mr. Speaker, I am going to move on to a different area now, if you want to take the afternoon break.

**The Speaker:** Yes, I think it would be appropriate. We shall suspend for fifteen minutes.

**PROCEEDINGS SUSPENDED AT 3.40 PM**

**PROCEEDINGS RESUMED AT 4.09 PM**

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on the Throne Speech.

The Third Elected Member for West Bay continuing.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, I would like to wind up my comments on the Ministry of Education by commenting briefly on the enrolment at the Community College. Its says here, **“Enrolment at the Community College of the Cayman Islands continues to grow with more than 225 students enrolled in the associate degree programme. These students are gaining ready admissions to overseas institutions and those attending American universities are awarded two years of advanced standing.”**

Mr. Speaker, I am glad to hear that the Community College admission has increased. But like I mentioned before, I don't have a problem with Government granting scholarships for Caymanian students who want to attend that institution or ICCI. I believe that there are Caymanians who for one reason or the other would not be in a position to go overseas but have a desire to improve or advance their education and they should be given that opportunity to do so.

Mr. Speaker, I do not under any circumstance agree with a policy that says that you must (if you are on a government scholarship) spend your first two years here at the Community College. If it was a policy where everybody was required to do so, that would be one thing but the exceptions are people who get an SAT of 12,000 - 13,000. What that means, Mr. Speaker, is that we will go right back to where we were when I was a student here in the Cayman Islands where the elite of the society, the privileged, would be entitled to certain benefits that the ordinary student would not enjoy. That is not right. So, I do not discourage scholarships being available for Caymanians who want to attend the Community College, but I will not under any circumstance agree to a policy where your first two years must be spent at the Community College here in the Cayman Islands.

Mr. Speaker, moving on the health services. I am pleased to see that the construction of the inpatient medical health and geriatrics facility will commence this year on the site of the Cayman Islands Hospital. This is a service and a facility that we badly need here in this country. A large number of our people are getting up in years and also there are some people (a number of them among us) who need mental health services. Now, I expect and I am hoping that in addition to a facility, we will also do something with regard to improving or increasing the trained personnel that are qualified to be deal with people who suffer from mental illness.

I am pleased to see that plans are in place to significantly increase the revenue collection at the hospital through an improved computer service system in the Accounts Department and that efforts are being made to collect outstanding debts owed to Government at the hospital. Mr. Speaker, our people, and others who take advantage of the services that are available from the hospital, must understand that those services have to be paid for.

Now, with the advent of national insurance this becomes a much easier task in that everybody will be required to have health insurance. It would be very convenient when you go to the hospital for medical services to present your health insurance card and be charged on

your plan through the insurance companies. Mr. Speaker, the health services must, as far as possible, be in a position where they can carry their own weight financially.

Under Social Welfare, they say here, **“Summer programmes with recreational, educational and cultural activities will be provided in August in every district of Grand Cayman and in Cayman Brac to help counteract inappropriate behaviour in juveniles.”** This is a good programme as I have seen it in action in my own district in West Bay especially during the summer when the kids are out of school. It is a very positive thing to be in a position where we can offer our young people healthy activities to get involved in during their break from school.

Mr. Speaker, one of the problems that I believe we suffer from in this country, and it permeates every aspect of our society, is the lack of discipline in the society. I believe that we need to come up with another alternative to the Cayman Islands Marine Institute (CIMI) with regard to dealing with our juveniles. For some time some type of cadet core has been advocated, where those juveniles who live among us that have behavioural problems and that type of thing can be forced by the courts to be enrolled in this particular programme where they are taught discipline and different life skills in order to hopefully correct their ways and become responsible citizens in our society. So, I think, a serious look must be paid to the idea of a cadet core for our young people in this country especially our young people with problems.

Under Community Affairs, it says, **“Monthly financial assistance to 574 ex-servicemen was increased in January 2000 from \$250 per month to \$400 per month.”** That is good, Mr. Speaker, that we are now in a position where those persons who could do so made a contribution with regard to the safety and security of our country and our freedom as a whole. But the other area that assistance is given through is the monthly subsistence allowance through the Social Services Department. Mr. Speaker, there is a process that has to be followed with regard to those requests. You fill out an application, it goes to Social Services Department and they then assign an officer from the district to come out and talk to the respective applicant to determine what their true financial position is. It then goes back and they make a recommendation to a committee, I understand, who makes a final decision.

Now, Mr. Speaker, especially in my district of West Bay, I handle a large number of these requests or applications. What I am surprised at is the length of time it takes for a decision on these respective requests. There are some applications right now that have been outstanding for a year. It is a good thing that those persons were not dying of hunger; otherwise, they would have died by now. I believe a greater effort should be made to see to it that the applications are dealt with in a very expeditious manner so the people who are applying know as soon as possible whether or not Government is in a position where they are prepared to offer their financial assistance.

Mr. Speaker, people are very proud and most people if they don't need it will not apply for it. So, for them to have to go through the embarrassment of even admitting that they need financial assistance is bad enough. But once they have, they have to wait for six months to a year before a decision is made with regard to the request. I think that is unfair. I would urge the Minister for Health to maybe have a word with the Social Services Department with regard to improving this particular process.

Under the Ministry of Youth, I really don't have a whole lot of comments, but I would like to just comment briefly on a few areas. The first is under Labour and Labour Relations, it says, **"A Labour Inspector/Accountant's post has been approved. This officer will primarily deal with all establishment collecting gratuities to ensure compliance with the Law."**

I am very pleased to see this. This is an issue that I have campaigned for since 1988 and I believe that the person should be a qualified accountant, someone with the ability to interpret financial statements and has the ability also to go there basically as an auditor and look at the books. His services would be easily paid for because while he is there those establishments that, for example, collect tourism accommodation tax, one of his responsibilities could also be to check to make sure that the tourist accommodation tax returns are being done in a very fair and proper manner.

I welcome this appointment, and I look forward to seeing the person in the post to look after this particular service. One of the problems we have especially in the hospitality industry, like I mentioned before, is that the basic salary is not very good at all. The hours are terrible. You are making \$2.50 an hour and you work 20 hours a week and at the end of two weeks, you collect \$150 - \$200 to take home to take care of your family. The way they make their money is through gratuities. Mr. Speaker, we all acknowledge that we continue to have a problem in this area. We have heard of abuses in this area by managers of these respective properties who collect these funds. We must see to it that gratuities go to those persons it is intended to go to—which are people other than management.

I am very pleased to see that (and I know some people are going to say that they don't agree with it) finally the Hyatt Hotel has been pulled in to answer to what they have done with regard to the payment of gratuities over the years. Since 1988, I have always gotten the impression that special provisions have been made for them with regard to paying even their managers a gratuity.

The other day when I was doing my research for my motion on gratuities, I discovered that at the Marriott and the Westin, the hourly gratuity was close to \$6 and at the Hyatt Hotel, it was \$2 or less. Mr. Speaker, there is definitely some reason, and this was because the Hyatt continued to pay managers a gratuity. So, I am glad to see that the Labour Office is moving ahead to correct this very unfair position.

Under Sports, Mr. Speaker, it says, **"The Minister will continue to develop and upgrade sporting and**

**recreational facilities in Grand Cayman and Cayman Brac and will review and upgrade the National Sports Policy for the islands."** That is good. I know a lot of people have criticised the National Team Government with regard to the sporting facilities that have been built in this country since 1992. But sports play a very vital role in our society with respect to providing healthy wholesome activities for our young people. I have spoken to the Minister of Sports and she has agreed to move on with it. I think there is even a provision in the budget this year for plans with regard to a home for basketball. Basketball is probably one of the fastest growing sports in the island, and we still don't have a home. If it weren't for the generosity of the First Elected Member for George Town and his Lions Club, we wouldn't have a facility where we can play competitive basketball.

Mr. Speaker, you know what is amazing, you have so many students involved in schools and basketball is not a part of the school curriculum. Why? I don't know. Maybe they need to recruit persons in that area who have an interest in these sports rather than give you a football and say, 'go kick it' or a cricket ball and say, 'go bat it.' There needs to be a developed co-ordinated programme of sports from the schools all the way up because, Mr. Speaker, you and I both know that in order to be competitive in any sport you have to start at the primary level.

And, I must give Coach Voote—who is our national coach for basketball—a lot of credit. He has gone beyond the call of duty in order to introduce basketball to as many young people as possible. He has gone in on an individual basis in primary schools and took it upon himself to make sure that at least one a week he can go into the schools and expose both the boys and girls to basketball. So, I am very concerned that we don't have a home for basketball. That is another reason why I am so anxious for the civic centre in West Bay because I was under the impression we could use that also as the home for basketball.

Mr. Speaker, I don't think we can sit and wait on that because that has been delayed some eight years now and, like I said, I believe it when I see it as being a reality. There is no reason why, for example, we cannot develop the Cox Court right here in George Town, which is very central. It doesn't have to cost a whole lot of money. Probably in the region of \$350,000 - \$400,000, we could provide a facility there that we can use in the meantime until we do get the civic centre in West Bay or elsewhere that would have the facilities to take care of basketball.

What is amazing is that despite the fact that we have limited facilities, the results that we have gotten in these respective sports, be it football or basketball, we have had our young people who have been identified and have been awarded scholarships to attend school in the United States basically on a basketball or a football scholarship, which is excellent. So, you can imagine the possibilities if we had better facilities here in the island.

Mr. Speaker, I think I have said as much as I wanted to say. I think I have said a lot, and there are others who have to speak, and I am going to give them an opportunity to do so maybe tomorrow.

Mr. Speaker, thanks for your patience and for the level of tolerance that you have exercised because I went into some very touchy areas. But you allowed me to say what I had to say, which I thought had to be said. Mr. Speaker, I do thank you and I do thank honourable members for their tolerance and patience.

**The Speaker:** At this time I would entertain a motion for the adjournment of this Honourable House. The Honourable Minister for Tourism, Commerce, Transport and Works.

## ADJOURNMENT

**Hon. Thomas C. Jefferson:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 a.m. tomorrow morning.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 a.m. tomorrow. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The Honourable House stands adjourned until 10.00 a.m. tomorrow.

**AT 4.32 PM THE HOUSE STOOD ADJOURNED UNTIL  
10.00 AM FRIDAY, 25 FEBRUARY 2000.**

**EDITED  
FRIDAY  
25 FEBRUARY 2000  
10.22 AM**

*[Prayers read by the Second Elected Member for Bodden Town]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have apologies from the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture who is overseas on official business.

Moving on to item number 3 on today's Order Paper, Government Business, Continuation of the debate on the Throne Speech delivered by His Excellency Mr. Peter J. Smith, CBE, Governor of the Cayman Islands on Friday, 18 February 2000. The floor is opened to debate.

The Fourth Elected Member for George Town.

**GOVERNMENT BUSINESS**

**DEBATE ON THE THRONE SPEECH  
DELIVERED BY HIS EXCELLENCY  
MR. PETER J. SMITH, CBE,  
GOVERNOR OF THE CAYMAN ISLANDS  
ON FRIDAY, 18 FEBRUARY 2000**

*(Continuation of debate thereon)*

**Dr. Frank McField:** Mr. Speaker, the Government has been fortunate enough to have had their position with regard to the state of the nation presented by His Excellency Mr. Peter Smith. So, if they should fail to get up to debate the Throne Speech, I guess the reason is because they wrote the Throne Speech that His Excellency presented to this House. But, certainly, we on the Backbench that believe that somehow there has been something lacking over the years with regard to the leadership of the country have much to say.

I don't really believe that it is doing the country any good for me to stand up here for four hours and speak about all the things that are wrong—all the things that people already perceive are wrong. But I do intend to take a certain amount of time to try and explain what I consider to be some of the root causes of the social disorder and malfunctions that now exist in our society.

I believe also that since this is my fourth year it would be good for me to give a brief review of what I thought I could have done when I was elected in 1996.

Mr. Speaker, I have a copy of my little manifesto, which is called "Towards the Common Sense Democracy." It said that I really stood for greater intelligence in a higher moral sense.

With regard to the greater intelligence, I feel that if the social institutions of our country are not rehabilitated to the point where intelligence is rewarded rather than penalised, ostracised, rejected, and exiled there is no hope for this country. I have been preaching this message for over twenty years. And those persons who have always said that they have done this and that which was good for this country, while at the same time were unwilling to see the country mature socially, have done what is worse for the country. Even though the vast majority of us like to eat, we know that when we eat too much, we are going to have digestive problems; and if we have digestive problems then the respiratory system will begin to give problems and then we will have problems in our entire physical system. So is it also with our social, economic and political systems.

So, where should we begin to put blame? Is it necessary to blame? It's therapeutic perhaps to blame from a psychological point of view—everybody likes to blame somebody and it is always much better when you can find some group of people that have less rights, less power, and less wealth than you to blame. So, it is not surprising that many Caymanians and many persons in this House have begun to identify the problems in the Cayman Islands as being specifically caused by immigration—meaning that foreigners are taking over the country and not allowing us to do this and that.

What I propose, Mr. Speaker, and what I proposed from the very beginning, is a kind of social intelligence, a kind of social conscience that would not just cast blame on the other but would accept blame and responsibility for ones self. It should be the role of leaders in Government to preach social responsibility and the respect of other person's right regardless of their race, national origin, gender, or religious conviction, etcetera. We believe that these principles are healthy principles and we believe that if you are going to have a civil society you have to start with basic principles. These basic principles have to applied and followed. There is a certain social responsibility by all members of the society to obey the social contract once we become conscious of what that contract is, what the specific benefits and obligations are.

I know that I am often criticised in this House for speaking vague about this and that and not getting to the point. But the point is—and I have been making this point for the last twenty years—that if you don't have an understanding of social relationships and the importance social values and norms and relationships play in society then you have no understanding of society. You just

cannot say that because you are a good banker, or you were a good merchant, that you are more capable, more able to manage modern society than somebody who studied the social and political sciences is.

I don't know where that prejudice comes from that you have to be a good accountant to manage society, you have to be a good lawyer to manage society. Far be it from the truth! If a lawyer does not have a good understanding of the history behind the creation of laws and statutes, he forgets that laws were created by society for society and that laws did not create society.

I think that this is a very important understanding because if we go back to my 1996 manifesto where I talk about a greater social intelligence . . . I hope that I have been able to provide this Legislative Assembly and this country with at least a deeper understanding of the issues in the country.

I believe also that in gaining that understanding over the years that I have studied, over the years that I have taken to experience some very unpleasant types of feeling that had to do with unemployment, low wages, lack of security and feelings that have to do with basically feeling insecurity in your society . . . so insecure that you begin to hate and resent people. I know about those feelings. I know, therefore, that it is important to use these personal and professional experiences to come to a conclusion as to why a reaction to capitalist development in the Cayman Islands is not sufficient.

In other words, capitalism as a dynamic economic force produces certain types of social relations—it produces crime, poverty, and dislocation. But in all the countries that have just reacted to this and said, '*We want a change to this, we want to abolish this*' those countries have more problems today. Therefore, from the very beginning (since 1977), my idea was proactive approach to the social management of the social problems that would be caused by our commercial development—nobody could see that. Maybe I didn't explain well enough, maybe I was too far up in the sky someplace (as the *Caymanian Compass* once said about a letter that I wrote), and nobody understood what I was saying anyway. Well, I believe that a lot of people understood what I was saying.

Now, I am saying that if you cannot socially manage your development, if you cannot deal with those people that will be traumatically dislocated as a result of one of the most rapid capitalistic developments in history, then you will be dealing with a war zone where people are suffering from trauma and all kinds of sociological traumas because people cannot cope, people are insecure, people are fearful and because the basic premise of human society is that we are provided with security. Security is why we change from being individuals to members of a collective group—security, preservation.

If we find that society has developed so rapidly and there has been no consideration for the human element then you will find that people will want to pull it down. And, how do they want to pull it down? They want certain types of changes. They want to go backwards. But you cannot go backwards. It is just like once you are born

you are stuck with this life until you find that final way out. When you begin to develop, you are stuck with development and you must go forward, Mr. Speaker, believe it or not, regardless of how unpleasant it might seem you have to continue.

Now, I am not talking of the fact that you have to drive at 100 miles per hour when you know it is getting dangerous, you can slow down. How do you slow down? You can discuss that. You can try to get away from opinions and find an imperial and scientific way to do it. It can be the result of research and reflection rather than so-called dogmatic common sense.

I am saying that the governments over the years in these islands (at least since 1976) have failed to understand and to take into consideration the instability which could be caused by dislocating and disrupting the traditional social fabric and not replacing it with one more modern, one that would suit the kind of commercial society that we have today. The commercial society that we have today, Mr. Speaker, is what everybody wanted. And I do believe it is what everybody still wants because if you look at England, France, America, Sweden, and Canada, and if you look at all the countries that are prosperous, they all have had capitalistic commercial developments. These are the countries that our people would want to go to if we did not continue to support capitalistic development in the Cayman Islands.

But where is the social safety net to give people the feeling that they won't be falling? Once I had a dream of falling, and there was no stop to my falling—do you understand how that feels? That is how some people feel when they feel that if they lose their jobs or if something happens where they commit a crime and have to go to prison and they cannot come back out and find employment to support their kids . . . that's how they feel—like they are falling and falling, and there is no end to their falling.

So, where is the sympathy? Where is the social responsibility towards seeing the reintegration of those types of people as part of the key to stability? Where is that consciousness? Who has informed that consciousness? Are there persons who can make these choices and bring us back some kind of sanity and stability listening?

I was speaking to a second cousin of mine this morning, a female who spent some time at Northward. She is at the Labour Board now trying to get Ms. Jane Solomon to assist her in getting a job because the hotel in East End has said that they are not going to employ her because once she was honest and told them that she had a criminal conviction for being involved with drugs. They decided no. What is she going to do about her children? I gave her \$50. I try to help, but it is not my responsibility because it is not my property her children will have to come to when they have to be fed. And, when they join gangs in order to get some self-esteem and to solve the kinds of problems that we are not interested in assisting them in solving.

Society the responsibility of us all. When God made us human, he gave us an awesome task. He gave us a



task of being our brother's keeper. He gave us that task and there is no way that we can get away from that—we could be rich and powerful. He sends death to remind us of this responsibility and connection.

So, what I have said over the years is that we do not want to build a welfare state, but we certainly have to have some semblance of social institution that has the principle of caring and sharing the epitomises of what I consider to be that special Caymanian humanity that has come under economic, social, philosophical and spiritual attack during the rapid commercial development of the Cayman Islands as a global centre over the twenty-year period.

Now, most countries have to go from being gatherers to being agriculturists, to being manufacturers, to being industrialists, to being financiers. There are different stages in terms of the world's economic and social growth. The Cayman Islands went from a village that they said time forgot (because we were still allowed to live in a very harmonious and peaceful fashion where relations were affectionate rather than contractual), and all of a sudden we ended up being managers of this global universe. We never even learned the value of land, and now we must talk about the value of money. What a change! And nobody feels that it is his job to educate the people and inculcate in their minds certain usual principles that have to do with the formation and preservation of civil society.

Why not? Well, you know, it is always this: We blame people, Mr. Speaker, for not looking after themselves.

When one of my constituents cannot make the grade, I am told it's because he is so lazy. That's why he doesn't have a job, because he is so lazy. But when a business is crying about failing it is not the failure of the entrepreneur, it's the failure of the Government. It is the failure of the Government to give some kind of relief by way of duty concessions to poorer people in this country—people that those same people would never employ. What nonsense!

The failure of the common man is his responsibility but the failure of a business is a Government responsibility. What nonsense! The failure of the common man in this country is partly related to the wage system in this country. It is partly related to the land system in this country.

Now, I have heard persons talking about crime and juvenile gangs, and this, and that, and we all get emotional about those things. How we do get all emotional about those things! I am very sad, because these are happening to real people's children, real flesh and blood. I am as sad for those children that will have no future as I am for those persons and properties that are attacked by those children. But at the end of the day we were warned that if you live by the sword you shall die by the sword. If you have no sympathy and no compassion then your children will not learn sympathy and compassion. If you have no sense of social responsibility and obligation and respect of rights—because they will not even bring a Bill

of Rights in this country . . . Those kids are not respecting anybody's rights—now do you see why?

You need to teach people about other people's rights. We need not just to have a Bill of Rights that I might have rights but that I might know that you have rights regardless of how small I am.

I am saying that the low wages have maintained a subsistent existence for working people in this country. Tourism brings jobs, but tourism brings very low paying jobs. Banks bring jobs, but banks bring very low paying jobs. It is the creation of an army of low paid people in this country who are at the bottom, that is at the heart, that is the route of the social disease which exists in this country at the moment.

We just want to criticise the symptoms. We do not want to examine the causes of the disease. The cause of the disease is unregulated growth without any semblance of social responsibility.

Look at what happened to the American Indians. They are getting back on their feet now, but, gosh—alcoholics! That is what I wrote about in *Time Longer Dan Rope* in 1979. The lady said, "I don't want to see the Caymanians become all drunk and broken up families like the American Indians," because of the traumatic cultural changes.

This whole idea that we have always been trying to pretend that we are just like everybody else, it is not true, we were different. Our psychology was different and is different because it was formed by different kinds of conditions. Now, we are talking about the loss of the Caymanian identity when we were talking about it in the theatre and places like that. Back in the 70's we were considered to be people who just wanted to create differences in society, who wanted to remind them of who they were and that was not acceptable.

But without some kind of identity, without some kind of idea of who you are, you are going to have problems. Now, how does a mother who makes \$1,300 in good times give a sense of social responsibility and social worth to children in a society that is totally money oriented? In a society that is totally fixated on material rather than spiritual things? How is that done?

All you can do is to create 'haves and have nots' in that kind of environment. All you can do is to create hatred and jealousy in that kind of environment. That's all you can do.

But how do we get from the point of not only creating low paying jobs for our people, but from the fact that those people who now have low paying jobs cannot buy anything with the money from the low paying jobs? Mr. Speaker, the lumber that is imported is taxed. The zinc is taxed. The cement is probably taxed. For them to construct a house, they have to pay the Government. But more importantly, the land is above the value that they can afford. If they so get the money to buy a piece of land, they have to pay the Government taxes first before they can get possession of it.

So, between the Government and those persons that have used land for speculation purposes, the lower wage earners in this society cannot elevate themselves

to becoming real stakeholders in the society. So, all this thing about Vision 2008, about stakeholders and all that, what kind of stake do they have holding? Not even sweepstakes have they. Not even one of those German sweet stakes [?] they have. They have no sweet stake holding at all—and their children are beginning to act it out.

I will talk later on also about the kind of problems that this creates to the social control institutions and how the social control institutions will then be blamed for every problem in the country because you have to blame the police. That's what the people will say, '*Blame the police. Blame the judges. Blame the prison wardens—but don't blame me.*' We will see that things developed so fast that these institutions were not able to make the transition and adjustment in their methods of social control in order to stem the tide.

Like I said, without social planning and social management, without an idea of what commercial development will produce, we will never know what we need to prepare and how we need to prepare ourselves. But, Mr. Speaker, the point is that commercial development is not new, we have seen it happen in other places.

When I came back here in 1977, I was able to say because I had been in New York, Germany, England, and France (I have lived and studied in a lot of those places) I saw what commercial development did.

You know, we have *ghettos* just like they had when I went to New York in 1964, like I saw when I went to England in 1970—we have *ghettos* here. In other words, we have people who feel that they are trapped at that particular stage in those particular conditions. So, as far as I am concerned, there has to be a certain change in Government's attitude, in the society's attitude, towards the ownership of land and towards the right to work and the right to a living wage.

I believe that these three conditions are important for our reconstruction of the society. We cannot abolish the growth, we have to manage the social consequences of that growth. We need the wealth that is created by the growth to now solve the social problems that have already been created by the growth. So, God forbid, should we do anything to make the wealth which the Government has access to any less than it is at this particular time, we would really have serious problems—especially when you have to bring more prison officers and police, build more prisons, build more remand homes and do all of those things. We could really lose the battle if we don't develop at this particular time a much more sensible and systematic approach to problem solving.

The economy is going good and those persons that are running the economy are doing a good job; but those people that are responsible and in charge of the civil society are doing an awful job. I mean, on first appearance it looks like it is okay because stability has continued to exist and, therefore, everybody believes that as long as you have stability you have been doing a good job as civic managers. But a further look, Mr. Speaker, as the Third Elected Member from West Bay was saying yes-

terday, all is not well in paradise. Why is this member getting up and saying this at this particular point? He is echoing the feelings of the majority of people that he comes in contact with.

Sometime ago of course, there were people who were saying more good things than there were people that were saying bad or critical things. But today, most of the people are saying critical things because by the time they get rid of one critical thing another thing happens to shoot back in their minds. I mean, look at the rumour with regard to the unfortunate and untimely callous murder of Mr. Curtis Seymour. Just check those rumours out. Why would a community that was healthy mentally and socially create such rumours? Because it is hard for the community to accept that people can just up and kill you for nothing. It is hard to accept that. It is hard for me to accept that people can just up and kill you for nothing because if that is so, my turn could be tomorrow.

Now, if somebody has some kind of commercial motive for doing so, then at least we might be spared. But if it is just up and killing people for nothing, Mr. Speaker . . . what has become of our society? Therefore, the rumours are an attempt to explain that things cannot be as bad as they really are and we did not really breed and raise these monsters that are going around terrorising the society. That is what the hope is all about. It's rough. It is very, very rough.

I have seen people come out almost like wanting to call the vigilante groups. And I believe, Mr. Speaker, the whole government should be in here listening to this. Of all the talks they should be listening to, it is this because they are the people that need to know this stuff. I am not talking to myself because I already know these things and if they had known these things a bit before, the country would not be in the state that it is in now. The lack of paying attention to sensible conversation is one reason why we are in the mess that we are in now because people would prefer to talk gibberish than to speak sense based upon reasonable research.

Not one member of the elected government is in here to listen to what I consider to be a greater social intelligence.

The only one here is the First Official Member, and I thank him for being here. I hope that before I wind up I can show why he has come to bear the brunt of their mistakes.

Mr. Speaker, when I first back here in 1977, I came back to get involved as the Director of Social Services, to get involved with the prison system. Even back then the prison was built late. We were behind then just like we are behind now and all we do is sacrifice people. But at the end of the day what we really need to do is to just change our ways of doing business.

I have said that the banks have come. The hotels have come—when the Holiday Inn is finished and when Comfort Inn (which is now finished) opens, and if the Ritz Carlton makes it off the ground and finishes, will the wages of the people in this country be improved? Or will the improvement simply be that more people will be brought in to work for low wages competing with our

Caymanian people for the scarce resources like homes, apartments, food, schools and medical attention? What is the specific change economically for the lower wage earners in the society who are forming at least 53% of the population as they are earning \$1,500 and below? How are they going to be progressing? What is progress really to them? What is one or two years growth to them?

When the Government is talking about growth, when a company is talking about growth, when the country is talking about growth, what is growth to Darlene Welcome, the President of the National Alliance Co-operative Employee (NACE), who each year has to work for the same basic low wage? You are talking about growth, you are talking about this and that growing—it is not growing for some people because they are left out of the growth as they don't see any growth except in prices. They go to the supermarket and the prices go up. They go to get an apartment and the prices go up. Why do prices go up in the apartment market? Because of the concept of supply and demand.

There are more people trying to get apartments than there are people supplying apartments. Apartments are so expensive now that we have overcrowding in our homes. You should check it out some time in George Town. A lot of people are concerned about West Bay and other districts, but George Town has some real poverty spots.

People keep going though. People are not lazy, but they are earning subsistent wages. They cannot pay for what they need. Is it their fault? Did they really know that this progress was going to mean that the only jobs that they could get with the level of education that they have are very low paying jobs? Did they really have a culture of institutionalised education and development? Did they really have leaders that were stressing these points? No! I believe that some relief has to be brought to this particular class of people. I really seriously believe that we cannot afford to create an army of hostile, resentful, jealous, vindictive, undirected young Caymanians.

I believe that organisation is better than decay. For this reason, I have become involved as part of my political obligation (at least that's the way I see it), with the assistance of people joining together in a trade union in order to protect their piece of the pie, their stake, so that they can see themselves really as stakeholders. I believe also that the response has been magnificent.

I believe that employers have showed much more tolerance and sympathy than I thought, and I believe that this is good and healthy. I believe also, Mr. Speaker, that this has helped to regain some self-confidence, some hope. I believe that this NACE movement has helped to encourage the Minister of Labour to hire a labour inspector/accountant to deal specifically with the issues of gratuities.

When people are told to organise lawfully, and are encouraged to organise lawfully in order to pursue or to protect what they consider to be their inheritance and their rights, it is social management that we are talking about and it is social stability that we are perfecting at a

different stage of development. If nobody offers them any hope, then they sit and they ridicule the Government about corruption, about being no good, about only seeing them at elections. They lose confidence in the very institution that is charged with maintaining social order. When that happens, when they have lost all hope, when they are not directed, when there is no grassroots leadership, we run into terrible problems.

I had the opportunity to speak at the Rotary Club. I had the opportunity to speak at the Law School. I had the opportunity to speak on several occasions for these people, and I always say that a society that was just a settlers' society that became very late in its existence a civil society, needs grassroots organisation to keep things from falling apart. It needs grassroots organisation to connect just like arteries. There has to be some kind of connection between the people and their Government.

The Government cannot be floating out in space someplace and the people are floating out in space someplace because that's the kind of political system that we have. I was watching *Issues 27* last night, and some of the things I heard I thought were very interesting. But one of the things that I had to think about was that not one single politician really was mentioned as being positive or having some slight positive trait—not one! Why? Why would people sit down and discuss their political future without any contemplation of their political presence or past?

That's a big error because there can be no future without an understanding of the past and the present—regardless of how unfortunate or how unpleasant that past or that present might be. You need to reflect on it because it is only by reflecting on an undesired past that you can have a desired future. I would like to leave that message with some of those young aspiring politicians that might be listening.

Now, Mr. Speaker, we have been around since 1667 when we were annexed by Britain as a territory, as a physical place. People came here and they made a community out of it. I call it a settlement. It was a loose group of people, because we understand that three or four of us getting together doesn't mean that we are a team, and it certainly doesn't mean that we are a party. Certainly, there is a difference between people loosely gathered as individuals. So, what we had in the very beginning was a loosely settled society.

The institutions and the infrastructure was not there, so a lot of Caymanians are asking the question, Why don't Caymanians stick together? The reason why Caymanians don't stick together is because Cayman is a new society. What we should be asking is how will Caymanians be able to stick together. What kind of conditions do we have to create (if we don't have them) for Caymanians to stick together? The mere fact that when you talk about a Caymanian it is more a word rather than an actuality . . . the actuality means that was somebody that was produced because that person had a specific consciousness of his role, his obligations, his rights in a specific community with a defined head to assure that he is responsible, and to guarantee that he has those rights.

We just cannot become something, we have to work at becoming. America didn't just become America; they had to work at it. Before that it was Louisiana, and this place, and that little state, and this little community—they had to federalise; they had to come together. They had to recognise a common ideology, a common consciousness. You will get a Cayman Islands when you have this, otherwise we are just using words that we are familiar with using for the process of communicating something.

So, we need to see how we are going to give people trust in a new political direction. A direction that is going to give people back their identity—not the old identity because a lot of people don't even know what that is anyway, they are just saying it. But a new identity, a new vision, a new Cayman; a new society that has to come out of the hearts, the minds, and the souls of those persons who came before us. If I can do anything for this country, I would like to be the foundation, or help to be part of the foundation, of a New Jerusalem—a country that comes forth out of men and women dreaming of peace, harmony, prosperity, security, and friendship, rather than trying to keep something that the economic forces have shot out of space for a very long time.

As a playwright, as someone who is tremendously interested in subconscious sociology, I would say that we are at the crossroads. We can make a choice; we can build that New Jerusalem, but we have to accept that in this New Jerusalem people must have rights as well as responsibilities. We cannot expect anymore to live in a country where no rights are enshrined in our constitution, where the individual is not seemed to be important to the collective and where the collective is not seemed to be important to the individual. One cannot exist without the other.

These things are self-evident . . . this is what we need—we need to create our Caymanian state now because it has been in the making since 1667. What is the Caymanian State supposed to look like? The Government says that persons on this side have no idea, but I believe that in my short debate so far that I have already proven that, not only do I have the ideas, but that I am not afraid of them stealing my ideas because they do not feel these ideas to be self-evident, to be for the general good. If they had, they would have employed me in a capacity before now. So, I am not going to restrain from saying what I hope for, what I envisaged, what my manifesto for the year 2000 would look like. I want everybody to know, because it's a public document and it is supposed to be a public document. I am not talking about my private feelings.

So, if the New Jerusalem is to be built on what we have so far, rather than us going backwards and trying to rule and work as Caymanians of the past, then we have to have some changes—obviously not just in the State but in the immigration polices.

Immigration is an important tool of development. Man emigrated and followed the food and cattle. He got to a point where he figured he could pin the cows down and grow the seeds, and he settled and created civilisation. His population did not grow fast enough to meet his

economic development, so he went out and got slaves. He brought them back and integrated them over a period of time. Yeah, that's the history of the world. What's new? All these people that are talking about ethnic purity, racial purity, national purity, are talking junk! There is nothing pure but the genes that got originally made. Adam who? Yes, and after that there is nothing pure. All mixed up here and there.

But, of course, Mr. Speaker, if this is so then I don't have to spend my life trying to keep myself separate from you, and you don't have to spend your life trying to keep yourself separate from me. Even if our blood were to mix on some occasion, it wouldn't destroy anything. So, if they come from Timbuktu or Nigeria, Paris or wherever it is, I mean, God has already said it is possible because you guys were one at one time. If you believe we come from one common father, what is the problem with immigration?

Certainly, the problem with immigration has to do with control and ethics and how we compete with different things like that—well, we can talk about that. But basically the whole concept of people coming here, there is nothing wrong with that. The reason why nothing is wrong with that is because I believe my forefathers came here from Nigeria in the first place and if it wasn't Nigeria, it was someplace on the West Coast of Africa—so we were not here in 1667, we came here too. So, what we are talking about is the time that you have been here.

How important is the time you have been here? Well, maybe your contribution should be as important as the time. We could talk about that. We need to begin to talk about those things, but let us create a framework for people to begin to understand that puzzle.

What I am saying is that you cannot control immigration, which means the numbers that come in, unless you control the number of jobs that are created. As long as the jobs are created and not filled, not only will you have social malfunction, you will have economic malfunction. And once you have economic malfunction, you will end up with political malfunction. It will not be easy to say that you are not going to accept any new arrivals in your country.

I would like to just briefly go to what happened in places in America. The reason why they have so many black people in America is because of slavery. And the reason that is so is because there were jobs available and they had to go all the way to Africa in sailing boats to get them. They went to get the Africans the Africans didn't come to them; so it goes to show how important filling jobs is. So, when we are cursing people because they are coming into the country to work . . . please! If you want to curse anyone, curse the people who are bringing the capital into the country creating the jobs. I know we don't want to do that because we all respect money too much. So, please, don't heap all of the insults at the poor Jamaican and the poor Honduran, or the poor Irishman for that matter who is out there (or the not too bad off Irishman) trying to make a living.

If that person is willing to live in a civil relationship with us, if that person is willing to respect our rights as

well, then we have to respect their rights. If immigration is the result of economic growth and economic growth has been the result of the importation of capital and the use of capital (which had nothing to do with us originally from the point of view of capital), we have just provided the womb for the growth of this capital.

Then how much control do we really have on immigration? Does the Immigration Department have control on immigration? No, the Immigration Department cannot control immigration because immigration is controlled by economic growth. So, you cannot make immigration laws to control immigration. You can make laws to control immigration growth—and nobody wants to do that—so what is the play then in controlling immigration and this and that and the other thing? Where are we going with this thing?

Forty Thousand people make a very small community. I remember when I was walking around the street in 1977 after I came back here, and somebody asked how many people are in the Cayman Islands. I said, about 14,000 or close to 15,000. That was after I had a PhD—15,000 people. I went to university with more people than that! What are you going to do with 15,000? You cannot go and play football with six people. You call yourself a football team and you have six people. You call yourself a society, a nation, and you only have 15,000? No, you cannot! You cannot have meaningful development with that amount of people. If that is so, tell the people that and stop trying to pretend somehow that we are tolerating this and that.

If I cannot abolish immigration, if I cannot abolish capitalist development then I have to learn how to live with it. How I live with it will depend very much on how I manage it so that it does not totally control me and upset my social and psychological balance. So, I believe that a Government that becomes reflective, a Government that uses empirical research, not common sense anymore because we have grown beyond the tenet of common sense . . . Somebody can call me the educated idiot if they want, but let me tell you one thing: it's education that built that spaceship that went to the moon. It's education that built that Toyota car that you are driving. It's education that makes this microphone and this and that and the other thing. Okay? So, knowledge is valuable and we should not dismiss it because it plays a very important role—who owns it controls, and who don't own it is subjected by those who do.

So, the Government needs to have a total caucus. This is why I have to talk for four hours, because there is no caucusing. This is the only time I get to talk, and still I am not talking to my colleagues and they are not talking to me; and we are still passing by one another and we never talk, Mr. Speaker. We talk at, but we never talk. I know at least one old lady that listens to me on the radio, Miss Madelyn Simms. I know when she is listening to it tonight she will appreciate the fact that she has something to do because there is a lot of these little old ladies that love to listen to the politicians speak. So, if I do nothing, at least I might entertain Miss Madelyn Simms tonight in her old age. God knows she is one of those for-

gotten Caymanians that has very little and has very few inquiries as to her economic well being.

So, we need to talk. We need to talk truthfully though, and we need to talk intelligently. If I have to ask the people for anything, I say give me a few intelligent people that I can communicate with. Give me a few intelligent people that could become a part of my group to help build this New Jerusalem politically, socially, and economically. I haven't gone and preached some type of let's do this with them without trying to get my own people organised. One reason is that if my people are organised in their labour unions, the low wage people, they feel that they can protect themselves. So, if I say that we have to make a change they don't have to be as fearful of the change because they have a way of protecting their interests. But if they have no way of protecting their interests and I come to talk change, like let's see what we are going to do with the 40,000 integrated and assimilated and let's go from there . . . that's been one of the most dynamic vibrant Venice's in history.

Globalisation provide us with a fantastic opportunity and I hope that people don't mess it up, because if that happens it would be too bad. And it said here, if we act like there is no possibility of a change for the better, we guarantee that there will be no change for the better.

So I am saying that this November I want to talk about the change for the better, because there has to be a change. Not just a change in the Legislative Assembly but a change in the way we do things and things that we continue to think that are important. The fact that we don't want to tell people where we are going—the Government is going off, and it doesn't want to tell the people that it is going off. Do you know what that means? It means that the Government feels that the people don't exist. If you pass me, Mr. Speaker, and you recognise me, you are going to say something to me. If you don't recognise me, you say nothing to me. Your saying nothing to me means that you don't recognise me. So, if the Government does not say anything to the people about going to the United Nations, it means that the Government does not recognise the people—and that is terrible. That is such disrespect!

We need a change in those attitudes. That is so much disrespect. You have to recognise those persons that put you in office. If you feel that their values and ideas could also be improved, work along with them to improve them.

I don't just talk in the Legislative Assembly. I have a television programme going twice a month. On Tuesday night at 8.00 p.m. I have an interview the Vice Chancellor of the University of the West Indies, Professor Rex Nettleford. I am going two times a month now. I have the New Vision Newsletter that I write and print. I don't get any help with the writing of it but I do it. Why do I do it? Because I want to be powerful? Is that it? Huh? I want to control people? Is that it? Mr. Speaker, I lived without even having control of myself for a long time, so why am I obsessed with control?

I am not obsessed with control, but I want people to have a choice. And the only way they can have a choice

is if they have access to information and opinions. If the Government has an opinion about the OECD, if the Government has an opinion about money laundering, it should not be their private opinion. They are public opinions because they are public officers and they are required (by morality if not by law) to share that information and that opinion with those persons that request—the Press and the other Members in this Chamber. We have to get over these old attitudes of not wanting to dialogue with one another.

When we do that we create the forum for the discussion of how the New Jerusalem could be formed.

I see that you are making your movements so we will have a pause, thank you.

**The Speaker:** We shall suspend proceedings for fifteen minutes.

### PROCEEDINGS SUSPENDED AT 11.30 AM

### PROCEEDINGS RESUMED AT 12.10 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate on the Throne Speech continuing.

The Fourth Elected Member for George Town continuing.

**Dr. Frank McField:** Mr. Speaker, when I stopped for the break I was looking at trying to separate the economic causes of social ills. I was trying to make sure that we do not believe that the economic causes of our social problems lie with immigration. If we believe that we can solve our problems in this country by limiting immigration or by getting rid of immigrants that are already entrenched in our society, we will create even greater problems for ourselves.

I think that the social ills are partly caused by the level of pay in the low wage industries and occupations, because the pay is below subsistence level. That is to say that unlike the skills of the highest paid occupations in all groups they do not approach the income required to support a family at the levels of spending necessary in Cayman society. So, we have to look at the way in which the reward system works in our society. When I say the reward system, I am meaning at this particular point the wage system. We need to improve this system so that it comes on par with what is necessary for life and we need to stop finding excuses elsewhere.

We know that there were weaknesses in our social fabric. We know that there are social causes of our social ills as well, but I mean right now just to identify what I consider to be the economic causes. The continual enlargement of the numbers that are involved in these low paying occupations, this is at the root of what some call poverty in the midst of plenty. So, when people are saying that there is poverty in the midst of plenty what they mean is that there are ever-growing larger numbers of low wage occupations and there are fewer and fewer middle class jobs, or fewer and fewer upper occupational

level jobs, and few of these jobs fall in the hands of Caymanians.

There is a reason for this also. There is an historical reason as well as a more contemporary reason for this. But this creates suspicion, disillusion, and resentment, but the stratification of the society and differentiation in the society is also a necessary part of the commercial development of the society.

So, we are looking at ways of making immigration complement our growth rather than conflict with our desires. To do this, we have to accept that there is no sure safe road back to the past and that the only safe road has to be towards a future that is thought out, a future that is planned, a future that is socially managed. We need a governmental structure. We need a political culture that is inclusive not exclusive. We need to make people feel that they are a part of the political process and that we as leaders will not abandon them.

We need to give people the security, the Caymanians, so that we will be able to provide foreigners with security of tenure. Certainly if the Caymanians feel safe and secure in their homes and jobs, they will not resent foreigners helping to increase productivity in the country. What would the productivity of 15,000 or 30,000 people be? It is not the kind of productivity, Mr. Speaker, that can buy computers, provide for computers and Japanese cars, stereo sets, and all of those things. We have to understand that our lifestyle, although we have poverty in the midst of plenty, is a very highly material lifestyle.

A lot of us consume to the max, but what we are consuming we do not produce. It is imported. So, the dependence here is a greater dependence than what exists in other places. So, we have to understand that not only are we dependent upon foreign countries for labour and capital, but we are also dependent upon foreign countries for goods and to some extent services as well. This does not have to be a bad thing because this is what I call interdependency.

Interdependency is part and parcel of the development of capitalism over the last hundred years. It makes the world more interdependent. It makes you and I more interdependent, because if I am the person who makes the shoes, and you are the person who is producing the leather, I have to buy the leather from you to produce the shoes. So we are interdependent because of the trade relations between us, and the commercial activities.

Human society is all about work. It is all about commerce. It is all about the exchange of the product of work. Therefore, it goes to show that human society becomes more and more interdependent. Not only is East End interdependent with George Town, and George Town with West Bay (more so than it was), but each family in each one of those districts is more interdependent on the other because the person who was supplying the yam, the fish, the turtle and the thatch before is not doing that. He might supply the fish today but he is relying upon someone else to supply the zinc.

We understand, therefore, that commercial development creates a condition of interdependence locally and internationally as well. So, at a time when most

economists and people who are involved in international studies are accepting that whether or not globalisation has negative factors, it means even a more intense phase of interdependency. If we have started our commercial development at the global rather than the manufacturing or industrial stage, it means that not only will we have shock waves sent through our society from a social point of view, it means that we become inter-dependent even more so than America would have been and England would have been when they were developing on the manufacturing stage, when mercantilism and protectionism was a part of their political and economic policy.

At a stage of development where we are talking about ourselves as a global centre (because we are talking about ourselves being a world financial centre) we are talking about ourselves as a global centre. How protectionist can you be if you are operating in this particular global context? What will be the usefulness of protectionism? What are the pitfalls of protectionism? What will be the advantages that will come to you and how will the social and political management be? What type of social and political management will you have to have in this rapidly developing society?

I say that you must have a State that has a face. I say that you must have a State that first of all acts as the gentle means of coercion before the other part, the more bureaucratic part of the State more interested in social control gets involved. I believe that politicians have a lot of roles—they have a big role to play in preserving norms and values. I believe that a sensible political platform in the year 2000 (in November) must be based upon the preservation of certain values and ideas.

Now, we don't have to have outdated values and ideas, but we have to have values and ideas. I believe that the values and ideas that we should have should be somehow inculcated in our constitution in a Bill of Rights.

I will read from the Constitution of the Bahamas. It says, "**The protection of freedom of assembly and association.**" Here it says, "**Except with his consent no person shall be hindered in the enjoyment of his freedom of peaceful assembly and association.**" That is to say his right to assemble freely and associate with other persons and, in particular, to form or belong to political parties or to form or to belong to trade unions or other associations for the protection of his interests.

If we are going to have a society that feels that the only interest that people should organise to protect should be the interest of money, then we are going to have people who don't have money saying that they are unfairly treated; that they are afraid that people will come in and take their jobs and their homes.

If we look at our Immigration Law, it says that a local company in the Cayman Islands must be 60% owned by a Caymanian. Now, this was done all the way back in the 1970s, but there is nothing in our Immigration Law that says that company must employ 60% Caymanians. So, while Caymanian labour does not have the same kind of protection as for the Immigration Law to specifically say what percentage of a company must be Caymanian, is because if we wanted to control growth, immigration, we

would have said that not only each resident company must have 60% Caymanian ownership but we would have said it must have 60% Caymanian employees.

That would have been a standard that would have been set that nobody would have been able to have lived up to and go at the global speed in which we are going. So, if the only protection for people in low paying jobs is their ability to work for even lower pay, then, sadly, I must say they have to protect themselves by giving more and more of themselves thereby losing even the ability to subsist.

But protection also has to mean that somehow they can improve their collective demand and this they should be able to do by associating in trade unions and/or political parties or both. The mere fact that this country finds itself so weakened, finds itself attacked from all directions by social problems, doubt, suspicion, accusations of corruption and inefficiency, the fact that the State still continues to maintain that it, like the priests of the plague age had access to information, should have sole access to that information and nobody else can be a priest . . . it is almost like what happened in Germany during the reformation when Martin Luther had to say to them that not just those could be priests but others could be priests. We have to say that today too—not just they can be the leaders of government business, not just they can be the ministers, but they can be ministers too.

We can be ministers too because they do not have any secrets that are so mystical that they have to hide it from the very people that they say they are keeping these secrets for. We want a Government that is more accountable. But for it to be more accountable it is going to have to have itself organised not just in the Legislative Assembly but outside the Legislative Assembly. I said that the Government is floating in space and not connected to the grassroots, because there is no organisation in the community to connect the Government, to communicate with to the Government and for the Government to communicate back.

The days when a politician could make it to everybody's door and say hello to everybody and *how you do, how your mama doing and how your dada doing*—those days are gone because we live in a complex society where if you don't get your business done, you get fired. So, you cannot be walking around all the time door to door politicians, like in 1980. Those days of being a door to door politician are just about gone. Perhaps, on Saturday if you have a little spare time as a member of the backbench at least, you can walk a little part of your district. But what I am saying is that in a complex society you need to have an organisation that keeps you in contact with your people. You cannot do it by yourself anymore.

No wonder that the Government has lost contact with the people and the people have lost trust in the Government. It doesn't necessarily have to do with the individuals in the Government; it has to do with the political system. The political system is medieval. It is out of date. It cannot function in a global setting anymore. You cannot be going off to a meeting in London or going off

to a meeting in Brussels and not tell the people, because if you don't tell them, the people in Brussels will tell them. That is what globalisation means—it means communication in the electronic age.

So, this whole idea that somehow you can have this kind of primitive hierarchy without any kind of connection to the people who have to approve of it is nonsense these days. It is nonsense! Absolute rubbish! The little people—the working people—have to be organised. People say, *'no, no, don't do that, you are going to destroy the country'* but how can you say that you are going to destroy your country by organising your people. You send kids to school, that's organisation. A class is an organisation. A teacher is the head of that organisation in the class. And if you want kids to believe that order should prevail, then they should see order working for them in their communities as well. They shouldn't just see order in school or the day when they go to work. They should see order in all aspects of their lives.

Now, the church is doing a fantastic job, and has always been doing a fantastic job. But the church is only one part of that human element—the spiritual part. They are organised to inculcate spiritual values in the minds of people. Now, if they have to teach you over and over again each week, each Sunday—three times a week or four times a week you get Bible Studies. But who ever gives people civic studies in this society? Who ever tells people about rights and responsibilities?

If you start a group where you are telling people about their rights and responsibilities, you are seen in this country to be subversive, to want to mash up the country, to get independence, simply because you are telling people that they have to be independent for themselves. They have to independently follow the laws of this country. You cannot come to the politician after you have broken the law and expect that the politician is going to do something. That's what I am talking about. Who has ever told these people all this?

The fact is, a lot of people have come in contact with the law in a very adverse kind of manner simply because they were never told about the formal structures of laws and the judiciary, the police and this and that. On one hand, we have a very formal State. But on the other hand we have done nothing to bring our people up-to-date with that formal State. This is because we have no political activism in our communities, because political activism is looked down upon as being dangerous and subversive to the status quo of the very few who control the benefits that are reaped from the multinationals' existence in this society. We want the benefits of the multinationals' global existence in this society to flow down to the wages of persons working in the banks and in the hotels, in particular.

When the Government of the Cayman Islands can pay its Public Works' staff a certain amount of money and the hotels are saying that they cannot pay theirs, something is wrong. If the Government can pay Public Works' people . . . *[addressing an honourable member]* John, is the minimum \$6 an hour?

*[Inaudible comment]*

**Dr. Frank McField:** Six dollars an hour, and the hotel is still paying people \$3.45 an hour. What's wrong?

We want to try to teach people how to become independent rather than to depend upon social welfare. We want to teach people how to organise to improve their wages rather than coming to me as a politician for a handout. That is teaching people dignity and self-respect. I can see nothing wrong with that.

I see something wrong when people continue to make the electorate of this country believe that their salvation is the politicians' individual effort on their part, rather than their efforts on their own part. To think that organising a general labour union in the Cayman Islands is more subversive than giving political handouts is nonsense. At least, when the unions are organised to try to improve their self-respect, self-esteem, and wage, you maintain stability in knowing the importance of yourself in the job. You know you helped to make productivity higher. You helped to make society better. Nobody organises for change unless they want to live better, unless they have hope and so kind of faith in a New Jerusalem.

I cannot see why we have a shortage of ideas with regard to political progress and social management in this country. We do not have a shortage of examples either, but if there are going to be those who are always going to point us back to how other countries went wrong while we are going down the drain and we don't know what to hold on to except somebody telling us that if you change your hand from this grip to that grip, you are going to fall forever . . . well, there are people that are falling anyway. Those people are willing to take the chance with some kind of new political direction, with some kind of new hope with a desire for change.

We want to see the Government become more responsive to the needs of the people. The first need of the people, believe it or not, is the need for work. The need to earn a decent living from that work. The need to be able to purchase certain services and amenities from the wages of their labour. If Government cannot tell us how that is going to be done—Government hasn't told us anything. Government has been very lucky in this country that it came to reap what other people brought from other places, including labour—immigrants.

The capital was brought, the expertise was brought, the things were brought, and Government is boasting about how great its management has been. It has not been Government's management; it has been Government sitting by and allowing things to happen. That is the reason why we have so many things wrong because sometimes not interfering in the things you should interfere in can make the things worse. So, it is not true that Governments do not interfere. All over the world Governments interfere because Government is the only institution with the right to interfere on behalf of the majority.

We need to reconnect, or connect for the first time. And we see that there are signs out there. People are moving forward with regard to the expression of their



desires and their interests in a New Jerusalem. We see that the young people in this country, in particular, will become very important in deciding in November whether or not the foundation of that New Jerusalem will have to do with progressive thinking or reactionary thing, with progressive action or reactionary action. The reactionary action, Mr. Speaker, is the action that deals with *he is going to destroy, she is going to destroy, don't trust him and don't trust her*. The reactionary action is the thing that has caused the Cayman Islands for so long to be divided so much so that other persons have come in and have been able to assume immense power and control. At the end of the day, most of us would like to see someone else empowered—regardless of how much that hurts us—than to see our own Caymanian. This is what has brought me back to the thought of what is it to be really Caymanian?

Why has there been a lack of solidarity between the people? There has been a lack of solidarity between the people because the State has never existed as a true political State in this country. And, only when you have a true political State in this country will you have the solidarity between the people, because it is the State that will create that consciousness and that solidarity. Otherwise, we are just like a band of loose individuals who agree basically that we do not agree with one another about anything.

I once wrote a little play about this Legislative Assembly and how the principles were that I agreed that I do not agree with anything you say. If you say it is black, I shall say it is white; and if you say it is red, I shall say it is green because that is the principle of our solidarity. No State could ever survive any kind of onslaught from any kind of enemy be it from outside or inside with those kinds of values of collective behaviour.

This is the reason why the State finds itself at such a weak position where people can take people hostage in the prison. They can get demands that people who are lawfully organised in the society cannot get. Why? Because when we have a problem we fall apart because there is no trust, confidence, unity or solidarity. Statesmen must come, Stateswomen must come to give the State a soul, a face and to give the State the courage to move this country in the direction that it should have been moved in from the days of Ormond Panton.

That change has taken too long because of suspicion and envy and backbiting—*'oh, I don't like his mama and where he came from. Those people like this and give them a little bit of this and they act like that'*. But give the criminals a little bit and you see how the criminals act. I prefer Frank McField any day to those criminals out there. I prefer Captain Mabry Kirkconnell any day. We understand that our solidarity is important because they are becoming very solid comrades in the prison. Mr. Speaker, they are coming out and we cannot even find them. Why? They even have support on the outside. Why is it that they have the sense to organise solidarity and to know that only when they believe in one another, they trust one another, and look out for one another, they are going to pull themselves together as a

unit like a chain that cannot be broken? And we in civic society will not accept those principles, although those principles have been accepted in all parts of the world.

Now, there is always negative that comes from everything—for every action there will be a reaction. But we can manage if we are truthful and some of the negative effects that come about as a result of political conscious organising . . . the political conscious organising has to be a part of the social development because it has to bring a consciousness of self and state without which we will not be able to defend ourselves against the lawlessness and the chaos which has been created by rapid traumatic economic policies that has led to immigration, and has led to dislocation and depreciation of the worth of the human being in the Cayman Islands.

Mr. Speaker, we have to do this for our own survival. I am quite sure that when they read this address in London that they will know that we can work together with the British Government in moving this country into a situation that makes social control once more possible. I am quite sure that the persons in London who are responsible for looking at issues of social control are very concerned at this moment. When we don't have our people who feel that the sacrifices of things are worth while in order to preserve values, when we have not trained our people, we expect that they will naturally think so. But if we look back at the development of England we will know that it was not always so, at least not among the broad masses of people. When we look back at the Industrial Revolution and the crime and poverty it created in England, Germany, and other places like New York, we know that crime and criminality is a phase that we go through and that we can get to the other side.

We can conquer this onslaught. We can win but we have to be better organised than the criminals are. That's all. We have to not throw our hands up and say, *'Oh, we didn't know this was coming'*. We knew it was coming! At least I did, Mr. Speaker. I prepared myself for it. I am here to help to fight it, but I believe that to fight it we have to give the State the authority to do what is necessary to curb the tide of violence and the violation of people's rights and persons' property. The only State that is going to have that is a strong political State—a State that speaks to the minds and conscience of the people and that does not come about by itself. It has to be built.

The city of God has to be built. It cannot come about by itself. The preacher labours day after day, after day, after day, after day. But what does the State do? Nothing! It believes that pure economic incentives can keep things together. But things will fall apart if there is no glue and if there is no thread. The social values, the moral values which come from political deliberations, help to hold things apart. How can you say that when an American is talking about the values of the family, he is only talking about religious values? He made those values long ago and also political values—values to be propagated by the State and to be protected by the State. We have to see that the State has to become a new State involved in this particular process.

A lot of people believe that if parents are not doing things for their children that we shouldn't do anything but blame the parents. That would be good if the only people those bad kids would hurt would be those bad parents. It is unfortunate, but that is not the way it is. So again, we have to be our brothers' keepers. The State has to take up the slack because social control is the most important aspect of our society at the moment. We have the economics, but without social control and without really putting it back in the place it should be and with the importance that should be given to it, we will lose, because those persons that have come here graciously to invest—for their betterment and ours—will leave. That is what will cause them to leave—crime against property and person—not Frank McField talking about ideas and giving people the possibility to believe that as long as we continue to dialogue with one another we have a hope because we will be able to make a compromise that will be good for all.

So, I want to make it clear that the support of the police, the support of the prison, the support of the immigration in just cases can only come if there are men and women in this new State to give them the direction that will not create the kind of contradictions that those persons have to deal with now. It is necessary, for instance, to get rid of some of these nonsense laws because we have given our Immigration Department the awesome task of having to control some 70% of the population, or probably at least 70% of the working population . . . okay, I'll give, 65% of the working population—15,000 on work permits, or close to it. And the Immigration Department has the job of controlling 15,000 people? Hey, that is going to make any institution bad, because it is not possible. We need to do something to integrate part of those 15,000 people and make the job of policing less.

If those persons that they are policing have no rights (because they are here but are not wanted here), then all it is going to cause these kids to do is to become like Gestapo—big with so much power because they have power over individuals because they are totally geared and fixated on the policing of those individuals. So, let us say that if we don't want to absorb some of these persons in this new State, that we let them go. And if we let them go, Mr. Speaker, I am still saying that you are going to destroy your country. So, you have to integrate them because we need to get back to a situation where there is trust and where we clearly define what rights each one has—what rights that person who comes from Canada, what rights that person who comes from Jamaica, and that person who comes from Cayman, has.

We should no longer be concerned about stopping the Caymanian from lawfully organising himself and herself in order to see that they have a fairer chance to compete, because competition we will have. We are not going to stop the competition because when you stop the competition you are going to get into problems again. But there is no reason why if we have to have the competition that it shouldn't be fairer by people being able to depend upon themselves in mutual beneficial fraternal organisations.

I know enough about British history . . . I know enough about French history . . . I know enough about American history to know that without all kinds of organisations that were lawful they would not have been able to survive not only economic crises but crises with regard to wars, and values, and norms being attacked by criminal behaviour. Look at America when it went through the Mafia thing with the prohibition and all of the crime and this and that, it wasn't the end of America. We are not going the way Jamaica has gone, we are going through a phase where we are experiencing a breakdown. But if we are strong, we can get over it. The problem Jamaica had is that they didn't have the resources to put their foot back on track, but we do. And that is why I am saying we must be careful about what we say about immigration. Be careful about how we want to just limit competition by setting quotas.

Give people the possibility to organise and bargain collectively rather than to legislate for this and that and the other thing. Give people the responsibility for maintaining their own standard of life rather than maintaining it by legislation. I would prefer to see things that way.

But as a sociologist, as a person who has had intense times with relationships in this country, who has seen, felt, and experienced certain things on a very intense level, I say there is hope for us to get over this problem that we are experiencing in this country. We are not going to get over it by beating up on one another anymore except that we find that you are lacking and if you are lacking it means that you are not doing anything to change. I know that none of the Members of Government would have created what happened. They never created the problems in this country. The problems are created by a series of interactions with different factors. But they are very important in solving the problem, Mr. Speaker.

Like I said, if we believe that our people should not participate in our democracy, that they should not know about the OECD intentions, if they should not know about the need to have greater security, if we do not involve our people in caucusing their ideas and acting as strong politicians, as mediators, with regard these forums then we might find ourselves in a very difficult situation.

Now, all of us have noticed the growth in security in this country. All of us have noticed that a lot of the security officers are from Jamaica. What does that mean? It means that private property, private citizens' businesses have taken the State's role partly into their own hands. Why? Because they have observed the impotence of the State to a certain degree. If the State wants to share power with those persons who have wealth and who can afford to pay for this type of security (it has been done in other places), let's sit down and discuss it. Let's look at the pros and cons. Let's look at what has to be given to the security companies in this country to enable them to protect what they are there to protect. If we cannot give it to them then we have to be careful, because they are going to get hurt.

I mean we need to understand that part of the role of the State is to have a monopoly on violence and to

use this violence when it is necessary to secure the well being of the people of the State and the property of the people in the State. I don't want to sound like I am a law and order advocate, but I can say one thing: the older you get the less you feel you can fight for yourself. The less you feel that you have the courage to pick up what is necessary to defend yourself the more you understand how important the State really is. Young people do not appreciate that particular part of the State like older people do.

It is important for me to know that the young strong policeman will lend me assistance now that my body is no longer that young strong body. I can no longer be a warrior for myself, but he can be a warrior for me. Although the enemy might not be from the outside, it's an enemy nevertheless. The criminal is an enemy of the State and the State must be protected.

Mr. Speaker, I hope to continue with this debate when we return from lunch. I know it's the time so I shall conclude for now.

**The Speaker:** Thank you. We shall suspend proceedings until 2.30 p.m.

#### PROCEEDINGS SUSPENDED AT 12.56 PM

#### PROCEEDINGS RESUMED AT 2.52 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate on the Throne Speech continuing. The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, when we took the break I was talking about the importance of the political activities, of the political institutions, in creating a moral and political consensus as a way of guaranteeing that the State is able to use its option with regard to the use of violence. If we get into a situation where it is "they" and "we" . . . if it is seen that the State is being influenced or controlled by them it could mean that we begin to disobey the State and to resist the use of the State in this particular manner, which is, at some times, very central.

We have to give the Caymanian State a Caymanian facelift so that it becomes important for the Caymanian people to understand that they are still in control of their country and that whatever is being done is on their behalf. We have to work harder to make that an understanding as we cannot take that any more as a given. The politicians cannot spend all their time, at least the Ministers in the Glass House acting like permanent secretaries coming in at 8.30 in morning and leaving at 5.00 in the evening and thinking that this is what it is all about. Part of their job is to hold the fabric of the society together. That means, handshakes when it is necessary, visits when it is necessary; that means activism and participation in the grassroots activities as well as the other activities.

So, I think that I have established the fact that I am not without some ideas as to how we can make our

situation in this country better. I would like to deal though with where I still continue to believe there has to be changes, and that is with regard to the lower income groups. I talked about the value of land, the fact that today the amount of land you can use and that you can own has nothing to do with the amount of land that you need, but with the amount of money that you have. If we start off with the premise that Caymanians had land in the beginning but had no cash, and if land were exchanged for cash, it would mean that at one particular point Caymanians would have no land. It seems to be logical to assume that Caymanians would have cash. But since land is more important than cash or money, Mr. Speaker, as land is that instrument which produces all things—money is not . . . Money is derived. Money is a certificate to be able to demand certain things, but it is not a producer of anything.

So, Caymanians have not ended up with the cash and they have lost the land. They have used the cash to buy other goods and pay for other services. The mass amount of cars that you will find in the dump gives us a true indication of where the money has gone. The amount of toys that we find broken, the amount of clothes that we found that thrown in the dump; the amount of rubbish that is picked up by the Environmental Health Department each day gives us an idea of where the cash that we might have earned from selling our land has gone. It is gone, gone, gone.

The land remains, but it is not our land. The land is in the hands of private properties because we have created a commercial society that is based upon free enterprise and is based upon the ownership of private property. Therefore, for a Caymanian to say today that Cayman belongs to them—when in fact Cayman belongs to the person that owns the land—is for the people to be a little bit too late in making their claim. The claim should not have been a claim to Cayman. The claim should have been to your land—the land of your ancestors.

I had to buy a little piece of property in Windsor Park. Imagine me, a McField having to buy a little piece of property in Windsor Park when just one generation ago my grandfather had more land than we could ever use. What happened? Bickering and disagreement about the land and the boundaries of the land until all the land was lost and sold in order to acquire immediate gratification. Now, today, people are talking about Cayman belonging to them when the land of the Cayman Islands does not belong to them. The surface of this planet is the land.

A lot of those kids that might be studying astrology or geology will hear about the surface of the earth. The surface of the earth, Mr. Speaker, is also my backyard and my front yard, your backyard and your front yard. This is a very valuable commodity, and yet we found that our people were not educated with regard to how important land was. We are more interested in status and preserving status, keeping status and maintaining status, and not giving status and taking back status. We are more interested in that, although there were so many jobs being created to not only make a place for those

first people that came here in the sixties and the seventies but for other persons.

So, while we were arguing about putting a moratorium on Caymanian status, nobody would ever suggest that a moratorium on Caymanian land would be in line in keeping with his or her wishes. So, we go to see that somehow the political education of people with regard to the value of things like status or nationality or land or jobs is very important. The fact that the sale of Caymanian land is not restricted, the fact that we have sold our land and now this generation needs to get it back, but will not be able to get it back by going out there and taking it back because it is already in the hands of private property—and that's for ever and ever, amen . . . people have to understand that. They have to understand that once they have sold their lands to foreigners they cannot take it back because these people are foreigners and the land is more important than status.

Why weren't we told that? Why weren't we educated to see that? I would have been better if we had given people status and kept the land because without the land you cannot live, you cannot survive as everything comes forth from the land.

When we talk about the land, we are not just talking about the earth, we are talking about the space above earth so if you want to build a 20 storey building it is still part of your land that you own. That is a magnificent concept and only God himself could have truly created something that was so overwhelming in terms of its wealth, and yet we had no appreciation for it. Why? Were we trying to get away from a tradition?

Now, when we talked about the land, the Third Elected Member for Bodden Town talked about land in the 1970s. A lot of people thought that what he was talking about was farming. They thought that what he was saying was that the Caymanians should keep their land and farm it. No, you don't necessarily farm your land because farming to a lot of people is not profitable. But if you want to go to the bank today to get a loan, the greatest security you could have would be a piece of land. Since you could borrow on the land there is no need to sell the land because you keep the land as collateral and that is what most business people do.

So, the lack of economic understanding on the part of our Caymanian people or the mass or the lower income brackets in our country, the lack of economic understanding and the lack of a knowledge of the usefulness and importance of land is partly the cause of the current frustration, aggression, and dislocation which is happening in our society today. So, we need to understand that in order to rehabilitate our society we must help to rehabilitate people's understanding of the usefulness of land.

So, how do we get some land back for some of the people that need some land to build homes? Mr. Speaker, the Government recently—with a lot of encouragement from me, mind you—put \$1 million in the budget for affordable homes. I was pleased that this was done. I thought it was timely that this was done, and although the Government has not professed to have any

particular criteria for dispersing these funds, I thought I had some ideas, and, therefore, I welcome the possibility to encourage them and to vote along with them doing this.

Mr. Speaker, we cannot begin to allocate such an important necessity like housing and shelter to poor people (people who are indigent, in other words) before we assist those persons who are working and cannot reach the goal. If we deal with the indigent people first before we deal with the toiling people—the people who have laboured for years and still cannot get someplace—it is going to make those people who are hard workers, who we need to continue to be hard, disciplined and productive workers, feel that they would be able to accomplish what they want to accomplish if they drop out of the work system.

**Mr. Roy Bodden:** True!

**Dr. Frank McField:** We don't want them to drop out of the work system because the work system is the most important social control system. Work is not just a system that produces; it is also a system that controls our people. I am not talking about control in a negative way, but I am talking about control in a positive manner.

In order to keep people working, let's put the carrot before them. And if the economic system itself is depressing the possibility of us holding a carrot, if the economic system itself is not giving the kind of economic rewards for people to be able to purchase these necessities, then Government intervention obviously, as far as I am concerned, is very welcomed. I welcome Government intervention—a new Government.

A New vision Government would be a government that would make available to Caymanian people that were actively trying to achieve getting a piece of land to make this possible. So, in other words, Government should use the \$1 million to buy land and to somehow find a way of getting this land into the hands of the working people in this country so that, at least, they have the foundation to be able to approach the banks in order to get the mortgages which they need to build their homes.

The next thing that the Government needs to do is to be looking at low-income mortgages that people can afford. The interest rates in these areas should not be 13%, they should be more like it is in the America because the banks do not pay taxes here on their income. They are making millions and billions of dollars and they need to contribute something back into the society in order to pay for the social control strategies. Without the social control strategies that will work, there they will not be able to operate here because they will not feel safe here and they will not be guaranteed that here.

Now, they could say, *'Well boy, if we have to contribute anything to it we would have gone some place else.'* But it doesn't work that way because they are not going anyplace else because they have already invested too much here. There is too much a developed infrastructure for them to be able to function as a highly efficient global institution. So, they are not going to go sim-

ply because we are asking them to look at the idea of establishing a mortgage structure for our people who are in a certain income bracket.

So, if Government were to say, annually put money into a programme to purchase Caymanian land to redistribute among Caymanian working people, and the banks were to be actively encouraged to give the types of mortgages necessary for them to be able to construct affordable homes and shelters for themselves and their children, then we might be looking at one of the most effective ways of controlling the growth of juvenile delinquency and gangs in this country. Everybody is looking at how we can spend money on the prisons and the remand institutions, but what about spending money at the source, at the root of the problem, by preventing it.

But there are those, of course, that believe that poverty is the person's own fault, the individual's own fault, the individual worker's own fault; that he is poor because he desires to be poor, Mr. Speaker, nothing is further from the truth. He is not poor simply because he has chosen to be poor, because that person labours away each day.

Freedom without opportunity is a devil's gift and the refusal to provide such opportunities is criminal. We have to provide the people of these islands with real concrete opportunities for mobility, for social and economic mobility. It is not the immigrants that they are upset with, but it is the lack of mobility that has caused them to become frustrated. We have seen this as we have seen the development in other countries that it is not . . . it wasn't so much the Jews but it was the fact that there was a lack of progress that allowed Adolph Hitler to focus on one group and to blame one group for the ills of society.

Freedom without opportunity is a devil's gift, and the refusal to provide such opportunities is criminal. I don't think that any of us in here can say that this side of this hall is without ideas. "The desire to improve our lot is born with us in our mothers' wombs and remains with us until we die." This was said by Adam Smith, a Scottish economist. Since then, we have moved from mercantilism to laissez-faire capitalism, to laissez-faire globalism. Therefore, for mercantilism to capitalism, we have to see that our particular path as a nation has been successful because of God's blessing alone and not because of any plan or any idea on the part of any individual or any institution in our society.

Mr. Speaker, the working people in this country, the people in the banks who are in that low wage bracket, the people who find it difficult to support their families to pay for the goods and services which they have to pay for in a commercial society need to be encouraged to find hope in something. It cannot be, Mr. Speaker, that they will find hope in the promises of politicians every four years for this too impacts greatly on the demise of social discipline in our society. When we see those who must help us as our main enemies, we lose hope and we become destructive. And for this reason, I believe that working men and women in this country can be helped and encouraged by the creation and maintenance of an association which gives them the possibility to become

active role players in the greater economy of the Cayman Islands.

I, therefore, have put myself as secretary of a trade union in this country. Although I have been criticised by many, I said that what I was doing was lawful and therefore it could be unjust because that would mean that the law which allows us to organise ourselves as free individuals would be unjust.

What I find though with regard to the consideration of working people in the country is that if there had been a stronger desire to represent their interests as a specific interest, rather than as just part of the general interest (as the merchant interest as the Chamber of Commerce has been more specifically identified and represented), I feel if working people's interest had been more specifically defined and represented in this country the wages would not be as low and as crippling as they are. Although we had a Trade Union Law that was enacted in 1964 (already and revised in 1998 showing that there was at least a desire or a requirement on the part of the legal heads of government to keep this law for some reason) there was no show on their part to make mention of it in the Labour Law that they brought into being in 1987, 1989, 1993 and 1995. So, why is it that we would have a Labour Law, which would deal with the relationships between workers and employers and employers and workers? Why would we have a Labour Law that would deal with these things, yet that Labour Law would not even acknowledge the existence of the Trade Union Law? Why would that be so?

It goes to show that this position was, in fact, bad for the country. Nobody thought about would it be good for the workers, they just thought generally it was bad for the country. And why was it bad? It was bad because it was bad elsewhere we were told. But isn't it bad for the country that we have wages that are depressed and are suppressed to the level that people cannot earn subsistent wages? Isn't it bad for the country that gratuities are not being passed on to those persons that the law say should be rightfully entitled to those gratuities?

**The Speaker:** I would just like to call to your attention repetition. We have talked about wages. We have talked about NACE about two or three different times.

**Dr. Frank McField:** Mr. Speaker, it is not repetitious to talk about things in different ways—

**The Speaker:** I am not going to argue about it, I have just called it to your attention. Please continue with your speech and I will tell you what is what.

**Dr. Frank McField:** Mr. Speaker, with all due respect to you, I think that when the general public hears this . . . because I keep on talking about prejudice, about people feeling funny about certain people, certain ideas and certain things, trying to suppress these things in the society. I keep on talking about the fact that there is a need for freedom of expression, for people to listen and for people to follow.

I am talking about the general conditions of this country. I am addressing the Throne Debate. I am using this opportunity to emphasise the importance of us dealing with certain types of problems that we have dealt with before. That is my job.

**The Speaker:** I agree with you wholeheartedly, and I can think of numerous other problems that we have within this problem.

**Dr. Frank McField:** Mr. Speaker, you are an elected Member and I think you can have a right to debate this as well. But when I am debating, please let me talk about what I think is important and not what somebody else thinks is important.

I represent in here people, and I know the conditions of those people and I bring the message of these and I have the support of these people.

So, the Labour Law I believe needs to be revised. It needs to be updated. It needs to be brought into the 21<sup>st</sup> Century. I am happy that the Ministry of Labour could report that someone has been hired to deal with the gratuity issue, but I believe that the Labour Law has to accept the fact that a Trade Union Law also exists and that a Trade Union Law also gives people the right to organise. There is nothing in the Labour Law that suggests what the conduct should be. There is nothing in the Labour Law that says when an employer should recognise the right of his employees to bargain collectively. There are so many things that one would have felt would have been put into the Labour Law, if there was a formation of a Labour Union, to make this workable because we had a law that paid attention to it. But that whole idea of trying to banish something that exists in law even, to go to that extent is almost like a conspiracy.

Education in this country has to accept the fact that some of us will be workers, some of us will be owners, and some of us will be managers. People must be trained to develop their vocational gifts that God has given them rather than having it again ignored as if it doesn't exist. The creation of industrial education (or technical as some people like to call it) is an absolute necessity. It is so much of a necessity that we find boys and girls that are more (at least at this phase of their lives) inclined toward doing trades now in alternative education programmes. Education programmes that are an alternative to the one that now exists would be one that would educate people to earn a living to preserve a place for themselves in our society.

I want to see a change in this country. I want to see a change from some of these prejudiced attitudes in this country of ours. I want to see people have more open minds and tolerance with the views of people from the other side. I want to see the kids who cannot read and write because of whatever reason given an opportunity to learn something that will cause them to be more than just juvenile delinquents and criminals. I want our prison not to be filled with the children of the working mothers that our union represents. I want to give hope to them. I want to see that if not this year but in the coming year—

when there is a new government—government commit itself to the task of restructuring education and taking it as something serious because people are very serious out there.

We need to reach out to people and we just don't need to create the opportunities or say that the opportunities are there, and because they don't take it . . . well, they had an opportunity but they didn't take it, so it's their fault. There is some reason why they did not take the opportunity and maybe we need to spend some time finding that out and we can relate everything back to work, believe it or not.

I don't think that everything is wrong with the educational system in our country. Obviously not. But I do believe that it is a terrible lack that we do not at this particular point have a vocational educational institute for kids of school age and not for when they are finished and going to college, or they are 16 or 17 years old. It is too late! They have to be socialised into accepting work as a regimented system at a very early age.

The way in which jobs are being allocated today to people . . . jobs are becoming much more regimented. The worker has less say in how he does his job. There is more supervision because it's all a part of the so-called efficiency and rationalisation of production. So, if the child is not going to school, the child is actually going to be ill prepared for the discipline of work. So it is important that the child be regimented into accepting the 8 to 5, or the 7 to 3, or whatever it is, schedule. But the child gets to learn to abide and to work with a particular schedule as a result of his schooling. So, schooling is an indoctrination process that has to do with preparing people for work—not just to prepare people's intelligence but to prepare people socially and psychology to be able to deal with the regimentation of adult work that people do for 40 years or more.

We understand that if they are able to disobey in the school because of lack of interest, lack of parental care and attention, then we cannot wait until they are 16 or 17 years old to catch and correct that problem. The problem has to be caught and corrected at the age that we find the problem. I think that if we remember the marine school and tourist school, the things that Mr. Jim Bodden was trying to do back in 1970s and 1980s, it was basically a similar thing. It was the recognition of the useful role which workers play in our society.

Now, I am looking at tourism as not just something that provides services to tourists but I am looking at tourism as a workplace. I am saying that a more industrial education would be an education that would require children to be busboys, waitresses, yard-boys and to serve generally in the lower paid positions or lower status positions in the hotel industry by the time they are 10 and 11 years old. Why not? Why not teach kids a little bit of gardening? If they learn to care for plants, they can earn a living caring for the plants at the hotels. Why not train kids when they are 10 and 12 years old to clean pools or to understand the science of cleaning a pool?

Why not train children when they are 10 or 11 years old to set plates? Would it destroy their freedom if you

did so when they are bored with their books? I guess not! Some kids really don't have the kind of attention span because they do not accumulate that in the early part of their youth, their adolescence, when they are toddlers. Why not train children to be dancers, to entertain? I see people prancing with their children up and down on their knees when they are three months old and the kids start giggling and start dancing and so forth and so on. Why not see the natural talents of people, and rather than being ashamed of them, develop them.

All of this relates to work, wages, conditions and employment productivity, and relates to harmony because if the work ethics is inculcated in the children rather than the old 'junk-junkie' music and the old run-down things about what we need to do for our kids to find more entertainment and more places for them to dance and do these things rather than more places for work, I mean playful work. There are playgrounds I know that I worked on in London in 1992 when we had saws, hammers and nails, and the kids would come there build things and break them down. But even in this form of play, they were working because work is play and play is work. It is only lately that we begin to distinguish so much between leisure and work.

So, even this goes to show that we have some ideas and all of these ideas they are not being used—why? Because you cannot even talk about certain things in this country before people shut you down. They shut you down in one way or they shut you down in another way. That's one of the reasons why I have the television programme going and a newsletter going so that I will print all of this in. It is necessary to show the people of this country that those persons that said that they had the ideas only had ideas about themselves and how to preserve their interests, but in no way were they concerned about preserving the interest of the majority of the working Caymanian people. Most of us, although we might have started with a little business, all end up workers because we don't have the capital—and the banks make sure that we don't have the capital—to stay in business. So we know that business is not for us.

And, when it is for us it is for a short time just to make us know that it is not for us because you have to try to get some money from some of these banks sometimes to do something, and you find out exactly what their wealth is reserved for.

So, I see how tourism and education have to have greater communication. I see now why the Minister of Tourism and the Minister of Education have to be pals and have to have the same interest at heart, providing people and training people for jobs. If the education has no relationship to the needs of the country, it is not good education, it is trouble.

I believe that kids, especially with the maturity they have these days, can be interested in more things than we give them to do. Part of the reason why children were not used to work in other societies is because . . . when I was a kid I was use to work. Nobody ever said that I was too young to pull grass, to help Daddy go fishing, to learn how to fish, to learn how to clean fish, to learn how to

chop wood, to learn how to twist rope. Nobody ever told me that I was too young. As a matter of fact, I didn't know that there was a working age until I went to America. I didn't know anything about a working age. You were working when you had the intelligence and strength to work and when there was a need for you to work. But this way of putting kids in this category and saying that they cannot work, and adults in a category that is in societies that have so many people unemployed that they need to keep the kids out of the work process for a while.

In a society like others where we have to import so many people to work, it should not be a bad thing to begin to at least train people and train children to work at an early age, and not to see work as an enslavement but to see work as a realisation of their creative human potential.

Now, tell me if we don't have ideas. Now, tell me that this is philosophy, because if this is philosophy the person who says so has not been reading about other places, about other experiments in education and educational development and the development of tourism. They have not been reading. Tell me. So, when the First Elected Member for West Bay brought his training scheme, it was a good idea, obviously, because it was based on some of the premises or some of the ideas that I am now advocating. Why is it that we don't have time to try new things? Why is it that when we find out that we are failing in so many different ways we cannot stop, reflect, evaluate our own performance, be critical of our own self and make a decision to go forward?

Mr. Speaker, the Governor made a few remarks with regard to the Vision 2008 system. The strategic plan that we must have for the country must be a strategic plan that recognises differences in people as, again, when everything is bundled together because of the hypocrisy of the society, the inability of the society to look inwards and to be self-critical. What happens is that we come up with one of these false ideologies again and do you know what these false ideologies are about? It is about blinding ourselves to the reality that there are differences and that we have to take these things into account in building a social strategy and in building a political strategy for our country.

Vision 2008 is full of a lot of ideas that a lot of us on this planet would want. The strategy here for the Cayman Islands would not differ from a strategy that anyone in any country would want because everybody wants the best. But the reality is that we are not a homogenous society. We are not as homogenous as we pretended to be in the Vision 2008 exercise. There are more differences in the society than are reflected in the Vision 2008 exercise. We still believe, nevertheless, that rather than run the country by the political will of the people, we will interview people and ask them what they want. They will tell us, and we will come back and put it on a piece of paper and say the politician should now vote for this and now go along with this. But the true direction of the country is not going to be done by Vision 2008. The true direction of the country is going to come from dedicated new politicians who are involved in building and gaining

consensus among their people to be able to get changes that will create a difference in their lives in this country.

So, I have already filed my concerns with regard to Vision 2008, and I hope that they will be taken into account. I hope that the Government will have an opportunity to look at this debate in print and read it, and treat it for what it might help them to see from the point of view of what I consider to be a genuine, honest, reflective and introspective look at the Caymanian dilemma, the reality. It's no attempt to sweeten up anybody or to make anybody feel good. I stand by myself in saying that the healthiest policy is the honest policy.

I believe that we have to change the way our Constitution is now. We have to make sure that those persons that are elected by the people are accountable to the people. If we are to truly say that we have democracy, the people that are elected must be accountable—ministers must be accountable to Parliament and there must be some way of forcing that accountability. The only way that you can force ministers to be accountable to Parliament is the day that a no confidence vote is brought against those ministers and passed, and Parliament is dissolved and a new Parliament is chosen by the people. That is the only way that we will get accountability in this House.

My three years in here has told me that there is no point in asking questions because I will not get any answers. If I am not getting any answers, it means that the people who refuse to give me the answers—or the correct answer or the answer that I am seeking—feel that they are not accountable to me and, therefore, they are not accountable to the people that I represent. If people cannot accept the fact that this is good reason for some type of change in their constitutional instrument, it is because the way it is now served their purposes more than it serves the purposes of the people of these islands. That must be the only reason why.

We are not going to be any different from any other place. We are not going to run a modern economy, a modern society that is no longer homogeneous, but with so many different nationalities and with so many different interests, without a political development with regard to the responsibilities of Parliament and the ministers of Parliament.

I had something odd happen to me when I brought the motion with regard to the duties on foodstuffs. It was interesting that when the closure motion was voted that in a democratic Parliament this could not have happened because people were able to vote that are not accountable to the people. The people voted against what the people wanted because I brought it as the people wanted it. And in a democracy, the people must get what the people want because there is no will and no right higher than that of the people. I believe that there should be some change. If Governments are allowed to come in here and then form themselves as an Executive Council with collective responsibility and make the politics of convenience that makes the decision as to who is going to be in the Executive Council at the last minute, because if you told the people who was going to be to-

gether they might not want to accept it or you think the people might not want to accept it, what you do is you sneak in and then you sneak your friend in and nobody knows who is going to be in Executive Council. Then, when you have five people in the Executive Council, they use three official members and maybe one or two people on the Backbench to get what they want. But in a true democratic system when they leave the majority of the elected people, they lose. That's what democracy means to me.

I am not sorry, but I have not seen it truly work. I do believe that I am not being disrespectful in saying that perhaps my suit needs a little bit of tailoring, altering, I am not going to change it. But I would certainly like it to fit me. That's all I am really saying. I am really saying that as human beings we have these things to improve the way we do things. These things are not above us, these things are made for us, these things are of us, these things should act for us, and these things should be of us. Why not consider giving Caymanian politicians the responsibility to make administrative decisions? Why not give Caymanian politicians the awesome burden of having to perhaps fight an election not only every four years but every time they fail not to do the job that the people want them to do for the people to recall them?

Why is it that we believe that we have greater stability simply because we do not question things, that we are able to say, *'well, let's wait until four years and we will vote them out'* and then we will vote someone else in that we don't know. Then we will have to wait four years again before we can get any kind of change.

Mr. Speaker, I see that you are moving around, I don't know—

**The Speaker:** When you reach a convenient point, we will take the afternoon break.

**Dr. Frank McField:** Well, Mr. Speaker, my convenient point will probably be just to go ahead and speak.

**The Speaker:** We shall suspend proceedings for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 3.47 PM

#### PROCEEDINGS RESUMED AT 4.11 PM

**The Speaker:** Proceedings are resumed. Debate continuing on the Throne Speech. The Fourth Elected Member for George Town continuing.

**Dr. Frank McField:** Mr. Speaker, Dr. Martin Luther King, Jr. once said, **"Covenant asks the question: Is it safe? Expediency asks the question: Is it politic? Vanity asks the question: Is it popular? But conscience asks the question: Is it right? But there comes a time when a man must take a position that is neither safe nor politic nor popular but he must take it because his conscience tells him that it is right."**



I would like to sum up my contribution, and I would like to thank you and this honourable House for the time given me to broadly outline what I consider to be important considerations for Government to make now and in the near future with regard to the improvement of the condition of the Cayman Islands people.

Mr. Speaker, I think that I might want to just say in summary that we are at a economic stage now with regard to the OECD and with regard to what is being expected of us. I think it is important that people bear in mind that this development that we have made here in the Cayman Islands over the years is not temporary, transient, and it is not by accident but by design. Many of us still do not understand the times of development that have taken place over the last centuries that have caused us to benefit and have caused us to play this vital role as a financial centre.

But the value accounting in a global trade system is a very important part of that system—the banks are here, the trust companies are here, the big law firms are here not because of any accident but because of design. We are a part of a very complex international financial system. We need to protect it by having good managers, good social political managers in the forefront. We need to protect it by examining truthfully all the weaknesses as well as the strengths which exist between our people, because its only when we have discovered our weaknesses can we truly find our strengths.

Denial about what exists in these islands to have caused it to come this far in the negative sense will no longer help nor will it give the kind of stability that we need. I want to say that with regard to the OECD and its desire to have the Cayman Islands comply with certain kinds of tax information exchange that I find this at this particular point to be unacceptable. I believe that the people of the Cayman Islands should be involved with regard to what's happening with the so-called consultations that our Government has been involved with over the past months.

It is my understanding, of course, that there is not much discussion that is taking place, but in fact we are being told what to do, when to do it and how to do it. The problem that the major OECD countries have is a unique problem. We are not their problem. Their problem stems from the economic growth of their countries to the point where the growth pours out into other territories. If we had one world, one political world, it would be no problems for them. But because wealth can be mobile most of the wealth today . . . as the land has produced mobile wealth and that mobile wealth is not American wealth, it is not Canadian wealth and it is not German wealth, it is the world's wealth. It belongs to the people who have made it and who own it. So, if somebody decides to take \$2 million of that mobile wealth and relocate in the Cayman Islands, that is a gift to the Cayman Islands which has come as a result of world development. We could not have developed one individual with that capital potential.

So, for the United States' Government to say that it would like to regulate within our jurisdiction in order to

regulate its citizens, I believe it is a false philosophical premise in the first place. Although that citizen might be a citizen of the United States that citizen did not by himself create the wealth. The wealth was created by citizens perhaps in other countries as well as within the United States. So, why is it that the United States feels that it has a bigger part to play in benefiting from that wealth than say the Cayman Islands or some place else?

We have to begin to develop arguments with regard to their incorrect idea of how the world should be altered with regard to taxation. We believe that nobody has the right or should have the right to actually tax mobile capital, whether or not it be the Cayman Islands, United States of America, Germany, France, or England. They should have no right to tax this because it does not belong to them. They did not create this economic progress in the world by themselves. It started many centuries ago in many different countries. And many different people have participated in building the wealth of this world and, especially, the very mobile part of the wealth.

The United States can tax property in the United States. Great Britain can tax property in Great Britain. Let them learn to live within their means. Let them learn to use these taxes. Why should they ask us to support them in exchanging information and bringing people to them so that they can take what they want from them? If I catch a cow, I am going to keep it for myself. I would only be interested in setting something like that up if we were going to directly benefit. But to actually be at this particular point asked to participate in those things, I believe the Cayman Islands needs to know more about these people's desires. I believe that we need to create ideological arguments against them. It is not just a legal thing but it is also a philosophical question about the legitimacy of what it is they are doing. Whether or not it is legitimate for them to say simply because the citizens might have had their nationality.

If an American wants to change his citizenship, and he goes to England and he gets British citizenship, he becomes British. So, if capital wants to change its citizenship how come capital cannot change its citizenship? Corporations are by law, Mr. Speaker, seen as legal entities just like human beings, and if human beings can change their citizenship why can a corporation not change its citizenship? If somebody decides that they are going to have a Caymanian corporation, then these people have no sovereignty over that corporation. As small as we are, we are big enough to say that this is not going to happen. It cannot be allowed to happen.

We are paying for the price of development today. We have social consequences as a result of it and we should have some guarantee that the wealth will remain among us because we have paid for it. The only way it will remain with us is if it is exempt from taxation not just our taxation but taxation from places like the United States, Great Britain, Germany et cetera. The argument, therefore is, if a person can change his nationality then money should be able to change its nationality also because money belongs to corporations and corporations are in law the same as people are in law and, therefore, I

believe that the negotiation team would be wise in taking my view words here although I am not a lawyer. I would think that is a very good position to put to them and to stay with. You have no right to come into the country after a United States citizen has given up his nationality and assumed ours to do anything to him because he is a sovereign subject of our nationality and of our State. He owes his allegiance to our State, and we owe a responsibility to protect him according to the governance that we have made with him. And so should it be with the corporations.

So, I thank you again. There is a lot that I would have liked to have said, but all cannot be said. I am happy to have had this opportunity to use this forum to create some kind of skeleton idea of what my manifesto will look like in November.

I also think that I would like to open a suggestion here too with regard to the New Vision Movement because those of you who are familiar with the New Vision Newsletter are familiar with the New Vision television programme, Public Eye, will know that the idea of New Vision came from Backbenchers mentioning it. But I think that I also have a 1995 article where it said that society needs a new vision. I had that not so long ago to prove in fact that great minds think alike, and if they think alike they shouldn't spend time rowing about who came up with what first but who can do with what it is.

I deliberately captured that like I captured the title *Time Longer Dan Rope*, but it's not my intellectual property, it's the collective property of many Members here in this House. I hope that we don't let that label go to waste. I hope, Mr. Speaker, that we can put a New Vision team together—a team of people that would be capable of taking the Government really into the 21<sup>st</sup> century in November. I am not saying at this particular point that I would like to play anymore a part in that movement than being a member of that movement, but I certainly would like all Members of the Legislative Assembly and all members outside with political ambitions to look toward the possibility of creating a political movement in this country that will give structure to political decision-making, that will give discipline to political activity and will give permanency to a political state which will bring us towards a New Jerusalem. Thank you.

**The Speaker:** I would now entertain a motion for the adjournment of this Honourable House. The Honourable Minister for Tourism, Commerce, Transport and Works.

## ADJOURNMENT

**Hon. Thomas C. Jefferson:** Mr. Speaker, I am happy to move the adjournment from New Jerusalem to Monday morning 10.00 a.m.

[Laughter]

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 a.m. on Monday. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The Honourable House stands adjourned until 10.00 a.m. on Monday.

**AT 4.25 PM THE HOUSE STOOD ADJOURNED UNTIL MONDAY, 28 FEBRUARY 2000.**

**EDITED  
MONDAY  
28 FEBRUARY 2000  
10.18 AM**

*(Total time in Chamber 3:00)*

*[Prayers read by the Honourable Minister for Tourism, Commerce, Transport and Works]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have apologies from the Honourable Third Official Member responsible for Finance and Economic Development who will be arriving later this morning, and also from the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, who will also be arriving later this morning.

Item 3 on today's Order Paper, Government Business. Continuation of the debate on the Throne Speech delivered by His Excellency Mr. Peter J. Smith, CBE, Governor of the Cayman Islands, on Friday, 18 February 2000.

The Second Elected Member for Bodden Town.

**GOVERNMENT BUSINESS**

**DEBATE ON THE THRONE SPEECH DELIVERED BY  
HIS EXCELLENCY MR. PETER J. SMITH, CBE, GOVERNOR  
OF THE CAYMAN ISLANDS ON FRIDAY, 18  
FEBRUARY 2000**

*(Continuation of debate thereon)*

**Miss Heather D. Bodden:** Thank you, Mr. Speaker.

I rise to offer my contribution on the Throne Speech delivered by His Excellency Mr. Peter J. Smith, CBE. I would like to thank His Excellency for his very comprehensive review of the important matters to be undertaken by government this year. There is, of course, room for lengthy discussion and debate on many of the topics covered, but I will limit my comments to those areas that are of greatest concern to me.

As reported in a recent editorial in the *Caymanian Compass*, time management is of the essence. I, for one, am looking forward to a very exciting year with positive developments in many areas. The year 1999 was a pivotal year for the Cayman Islands. We made impressive strides in the international arena and surged forward on many fronts here at home. We united ourselves behind a new vision.

In the international arena improved relations with the OECD and the European Union have positioned the Cayman Islands squarely on the world map. Our needs are being recognised as never before. And, while the extremely difficult task of building dialogue with these important institutions consumed a lot of government's time last year, no one lost sight of the work to be done here at home. This proves that there is good leadership all over, not just in ExCo, and there are many who deserve to be congratulated for their daily foresight and determination.

The Cayman Islands also reached a number of important milestones in the financial sector. These developments reaffirm our leadership on the global scale, and ensure that we remain at the forefront of an industry that is so crucial to our economy.

With the admission of the Cayman Islands Stock Exchange to the London Stock Exchange list of approved organisations, we can claim another first for the Caribbean region. As we move from strength to strength we are taking an increasingly higher profile on the international financial scene, and hosting major regional and international conferences. Our islands remain a model for other jurisdictions, and as we prepare to embrace the exciting opportunities offered by the exploding phenomenon of E-commerce, we can look forward to yet another financial area where the Cayman Islands is preparing itself for a leadership position.

The Cayman Islands Shipping Registry is world renowned. Having recently attended the Miami Boat Show, as I do every year through the Department of Tourism and the International Fishing Tournament, and in the company of our reigning Miss Cayman, Miss Mona Lisa Tatum, we were pleased to represent our Islands to the public at the week long show. One of the things that truly impressed us were the large number of boats registered in the Cayman Islands. This was seen all over Biscayne Bay. Everywhere we turned, we saw boats that said on the back "Registered in the Cayman Islands."

We were flooded with requests for literature, and I would even suggest that next year a representative from the shipping registry consider attending the show to answer questions, and to promote the Cayman Islands shipping registry directly. In any case, never before had I experienced such enthusiasm on the part of visitors.

Everywhere we turned people knew about the Cayman Islands and our position in world tourism and finance. I remember attending the same show some 18 years ago, and no one knew who we were. I have to smile when I think about those past years. When we mentioned Grand Cayman, they would look at us and say, "Do you mean the Grand Canyon?" As I was talking

to Mr. John Redman this morning, he said that's where a lot of our mail got lost!

Now, everyone speaks highly of our beautiful home. Many had either made a visit, or were planning to visit very soon. Hopefully, with efforts underway by the Department of Environmental Health we can show them a nice, clean welcome mat when they arrive.

I am passionate about my commitment to keeping these islands clean and tidy, not just because of the importance to our tourism industry, but for us. It's where we live, Mr. Speaker. People need to get a bit of civic pride. Perhaps some people don't realise what we have here. Whenever I travel abroad, I am constantly reminded of the incredible beauty of our home. If everyone would co-operate and take care of their own little corner of paradise, we would all be so much better off.

I know that the Minister, through his Department of Environment, is doing his best, and I ask him to keep whatever he is doing going as far as getting the derelict vehicles removed. Please make an effort to have these eyesores removed.

I am also in favour of the zero tolerance campaign and propose that we tackle the issue by creating a task force, and also getting our young people involved. In addition, I would like to see more recycling. I think glass recycling would be an excellent initiative for this island. It is not costly, and produces a product that can be mixed with marl for road resurfacing. This would be a way to cut down on litre, while creating a product that is useful and needed.

I am certain that we all want to leave a nice clean environment for our children. I truly want to hear the voice of young people on this issue, and to get them involved. They may have some ideas that we need to listen to.

Earlier this month I attended the National Prayer Breakfast in Washington, D.C. It was enlightening to see that, as here at home, the big focus in the US is on the youth. This is a very crucial time for them with so many bad influences preying on their vulnerable young minds. As we all came together to pray for the youth everywhere, I was reminded that things are harder for them than they were for us. In my day and age, we had no TV. We had no major problem with drugs. We heard very little, except for the oft mentioned marijuana (or in those days, ganja). We had no idea about crack cocaine in those days. And the music that's being played nowadays . . . we didn't hear those things back in our day.

But, I am encouraged to know that the National Drug Council will establish the first of five drug, alcohol and tobacco free youth centres. Our children need wholesome activities and a place to spend time after school instead of being on the streets. This also eliminates pressure on the parents, and they will worry less.

The Secure/Remand/Drug Rehabilitation Youth Facility is also very much needed. This is where young offenders need to be, instead of the West Bay Lock-up, where they only come away with more bad ideas.

I know the Minister of Health and Drug Abuse is working very hard on this project. Although there is some

controversy over the location of this facility, this should be dispelled in favour of an attitude that recognises the importance of emotional nourishment rather than incarceration.

As the minister has shown in his determination over the facility in Breakers, and this youth facility, he is committed to going the extra mile. You can be assured that he is one minister who will never write off our youth.

The residential treatment centre in Breakers will soon be a reality. I know the minister is pleased with the progress to date, and we are all anxiously awaiting the completion of this facility and its official opening, hopefully in June. This is another excellent alternative to incarceration and also to programmes overseas which take individuals away from their families. It has been proved that the success rate of such programmes is higher when individuals are treated in their own communities.

Discipline is an act of love, and we must deal constructively with this problem while these individuals are still young.

Efforts of the Royal Cayman Islands Police continue to be innovative. The pilot scheme of cycle patrols appears to be very interesting, and I must admit that I can confirm that is in progress because this morning as I looked out my window I did see officers on bicycles. I can guarantee that they will get their exercise at the end of the day. It brings officers closer to the community and their visible presence can only be positive.

In addition, the DARE programme sounds very encouraging. Students need to have this relationship with the police. Long gone are the days of fearing the police officers. This and other efforts are very much needed. There are so many crying out for help in these islands.

The residential drugs treatment centre in Breakers will offer hope to those whose lives are chaos due to this terrible enemy in our society. And, as attention is turned to care for the youth, we must not forget our elderly, who are always near and dear to my heart. I anxiously await the adult care centre projects slated for North Side and Bodden Town. I know that many of our elderly are eagerly awaiting these initiatives. It will certainly make their lives brighter if we can eliminate worries for them and their families.

Worries are also eliminated as traffic and road conditions improve. This must remain a priority. The Minister of Works and the Public Works Department are to be commended for the outstanding work in this area. The Nixon Roundabout is working beautifully and has eased a lot of troubled minds as we go to and from work.

Since we find that these roundabouts are working so well, perhaps consideration should be given to installing a roundabout at the Airport/Crewe Road Junction, more commonly known as "Malfunction Junction." I am also going to take this opportunity to ask government to look into ways to alleviate the congestion on Newlands Road or Hirst Road. Because of all the new subdivisions coming on line in that area, traffic has become very heavy and bottlenecks are occurring.

The road improvements in Lower Valley, Pease Bay and Breakers, while causing some delays during construction, are very much appreciated by those who travel that road every day. I would like to reiterate my call for illuminated road signs to be installed to indicate such conditions as curves, cattle crossing areas and other information that would help people avoid accidents on our roads. The Minister of Works and his staff may recall that this request was put forward during the roadwork tour last year. I note that funds have been approved for this purpose.

I salute the efforts within education. I look forward to the outcome of the Cayman Public/Private Partnership in Education. I am also pleased to see the continued development of after school programmes. I am also very encouraged by the recruitment of Caymanian teachers. I believe we must find a way to develop and recruit more of our own teachers.

This is probably the single most important job in any society, and yet, so often the profession does not get the respect it deserves. I believe we should not skip in this area. We should go for the best and the brightest. We need to encourage Caymanians to enter the field of education. I would suggest that a pay scale be offered that is in line with this task. Taking care of our children all day, every day, and participating in how and what they learn is very important.

Along with this respect for teaching should come adequate classrooms to accommodate the growing number of students. I am pleased that plans for new classrooms for the Savannah Primary School are all approved. I was just speaking to the Principal last week and she said she was called in to start looking for furniture. I am very pleased to hear about that.

As we all know, the Savannah/Newlands community is the fastest growing one at this time in the Cayman Islands, and it seems that everyone wants their children to attend the Savannah Primary School. I recall, after the students went back after summer break, as I entered the halls of that school, I recall seeing on the board "Savannah School—The Cream of the Crop." That's what it's often called.

The Lighthouse School is long overdue for a larger facility. All who work at and attend the present facility are to be congratulated for their outstanding ability to get by so admirably in this interim situation. As I often visit that school, I see the cramped classrooms, and areas that those little children have to be placed in every day. I know that the people taking care of the students, those handicapped children, are so looking forward to a larger space to be able to work with these children.

I was pleased to note that the Governor made mention some half dozen times to the district of Bodden Town. I must say that this was encouraging to me and all in my district who share my pride in the advancement of our goals. We have seen so many of our aspirations becoming reality, including the playfield, the public library, and the Bodden Town Post Office, along with road improvements and street lighting to help keep our neighbourhood safe.

One excellent way to encourage our youth to stay off the street is via sport facilities where they can enjoy healthy outdoor activities. The long awaited Bodden Town Playfield is almost ready to be opened. In fact, our youth are already enjoying practising sports each evening. I must appeal to them to take pride in this first class facility that has been built for them, to preserve it and take care of it. Acts of vandalism will not be tolerated.

The new Bodden Town Post Office is beautifully done. It will offer much needed services to our growing district.

The *Caymanian Compass* of Tuesday, 15 February, ran an article saying, "The new Bodden Town Post Office offers more services." I am pleased to note that customers will soon be able to purchase pens, writing and wrapping paper, tape, envelopes and poster tubes. That's helpful when people need to immediately respond to their mail, or when they do not have the proper materials to wrap a package.

Of course, we also increased the number of post office boxes from 224 to nearly 1,000 in the district of Bodden Town.

We are also looking forward to the replacement post office in Savannah. Once again, here is evidence that the community of Savannah/Newlands is experiencing such rapid growth that we outgrew our little post office as well. The planned sub-fire station, for which land will soon be purchased, will offer greater safety and security to the community.

I know that everyone in my district, and in the districts of East End and North Side, are looking forward to the new vehicle licensing unit planned there. Having this facility in Bodden Town will also cut down on congestion in George Town.

Members will recall that children wrote me letters about the need for a public library in Bodden Town. I am pleased to tell that their message did not fall upon deaf ears, as this will soon be a reality. I am also proud to say that some results are already been seen from my Private Member's Motion (No. 18/99), Consideration for the Protection and Assistance of the Physically Challenged. A ramp is being built at the new Bodden Town Library to accommodate wheelchair access.

Renovating the old Town Hall was an excellent move. This building is situated quite a distance from the road, which creates a safer environment for children who will be taking advantage of this lovely facility.

Mr. Speaker, as was mentioned several times in the contribution by the Third Elected Member for West Bay, all may not be well in paradise, But it's not just my problem and it's not just your problem, it's everyone's problem. But I daresay that if we don't preserve what we have, we will certainly lose it. I say let's unite and take back what we are losing. We have traditionally been a God fearing nation, and we need to stay that way and teach our children to be that way as well. Nevertheless, I would like to remind everyone that we are still a blessed little nation.

Economically we are ahead of almost every nation in our region. But it must be said in parallel to the im-

pressive growth of this economy have come many societal changes which challenge all of us as citizens, parents, members of churches and a closely-knit community. I encourage everyone—not just those in government—to play an active part in finding solutions to these challenges. I believe those solutions must start with the family—the most critical component of any society. In today's world of two-job families, many parents say they no longer find the time to spend quality time with their children. I believe that this is more important than anything else they may find themselves doing on any given day.

It takes time to love someone, not just money. It does not good to throw material possessions at a problem. It has to do with the heart. Parents need to listen to their children and create a dialogue. In the Bible, there is a verse in Proverbs that says, "Train up a child in the way he should go. When he is old he will not depart from it." Children live what they learn.

I would like to share some words with everyone how this happens. Mr. Speaker, as I attended church service yesterday morning, it just so happened that I had this little flyer in my Bible and it dropped out, so I guess it was meant for me to read this morning. It says, "Children Live What They Learn."

*"If a child lives with criticism, he learns to condemn.  
If a child lives with hostility, he learns to fight.  
If a child lives with ridicule, he learns to be shy.  
If a child lives with shame, he learns to feel guilty.  
If a child lives with tolerance, he learns to patient.  
If a child lives with encouragement, he learns confidence.  
If a child lives with praise, he learns to appreciate.  
If a child lives with fairness, he learns justice.  
If a child lives with security, he learns to have faith.  
If a child lives with approval, he learns self-esteem.  
If a child lives with acceptance and friendship, he learns to find love in this world."*

In closing, yes, we are facing trying times. And although some of the previous speakers painted a rather gloomy picture of things, I must say that I prefer to focus on the positive. It is my belief that good will overcome the bad and we will certainly find solutions by pulling together. The list of recent achievements is impressive and the plans now underway for this millennium year are equally as exciting.

I am pleased to do my part to see that things move forward, and I will end with a little saying called "Faith" by Charles Stelezze. It goes like this; "I believe in today. It is all that I possess. The past is of value only as it can make the life of today fuller and freer. There is no assurance of tomorrow, I must make good today."

Mr. Speaker, I believe we all need faith to get there. I thank you.

**The Speaker:** The floor is open for debate. Does any other member wish to speak? (Pause) The floor is open for debate. Does any other member wish to speak? (Pause) The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I must say, listening to the Second Elected Member for Bodden Town, it is heartening to know that among us there are thoughts such as those she expressed. And listening to her made me realise that it really does take all of us to make the whole picture complete. But, having said that, I guess everyone finds his or her own little niche. Unfortunately for the government at this point in time, where I find myself is working on the premise that the good things that can be mentioned about the government is what they should be doing. So I don't find myself being very constructive talking about the things they do that they should do. What I find myself being more productive with is pointing out areas where I find them lacking. At this point in time I can only hope that they will do something about it. If they don't, perhaps someone else will whenever given that opportunity.

That little statement was not to try to say to anyone that they should not be positive. I am not really the opposite of that. But it is just to say, coming right behind the Second Elected Member for Bodden Town, that I will not be taking that line.

In the Governor's Throne Speech for the year 2000, he mentioned a fair amount of detail, not only with the portfolios of the Official Members, but also the Ministries of which the elected members of Council are at the helm. He also mentioned certain areas for which he himself retains responsibility.

I want to start off by giving my view in regard to the government machinery and how I think it should be operating. For several years the backbench has been sending messages about transparency, about accountability; we talked about succession planning, role clarity and other areas in the public service. We have brought motions to this honourable Legislative Assembly suggesting certain (what we call) forward movements to bring about the transparency and the accountability that we feel is vitally necessary for government to continue to function, and to also enhance government's function whereby public confidence would be at an acceptable level.

The Governor mentioned very early in his speech about the Ombudsman. As is my usual style to tie in what he said, I would like to just read a few lines of his speech so that the point is complete. He said: "**For the Public Service, this should be a year of consolidation after the various initiatives of the past few years. I have already requested the preparation of draft legislation for the creation of a position of Ombudsman, a post I hope can be in place by the end of the year. The Ombudsman would be the point of reference for all complaints of Public maladministration. We have a good Public Service, and I am sure they will welcome this additional element of accountability for those people whom we seek to serve across the Cayman Islands.**"

And while the last sentence may not seem to be important, I latched on to that when I read this for the second time. He said, "**It is the Caymanian way to resolve difficulties and differences of opinion through consensus and dialogue rather than confrontation, and**

**that is very much the way that I wish us to work together for the future."**

I am going to spend a few minutes on the Ombudsman, and some other areas that I think tie in. But this last sentence, **"It is the Caymanian way to resolve difficulties and differences of opinion through consensus and dialogue rather than confrontation . . ."** If he had been here five years ago and made that statement I would have been in total agreement with him. And it is not to disagree with the statement now, but I wish to make a point about the statement because, Mr. Speaker, have you noticed that that is changing?

**The Speaker:** Yes.

**Mr. D. Kurt Tibbetts:** For years we have known that to be our way. If there are differences, we have dialogue.

And let it be clearly understood that I believe that is the way to be. So, when you hear that confrontation is slowly but surely becoming the order of the day, you have to ask yourself why this is happening.

People aren't just born to be different; people are a product of their environment. If that is true, and this is changing, it means the environment under which they live is changing. What are the reasons for that? One could say that nowadays people are more informed, so they don't just accept decisions without questioning them. Perhaps that is true. But it has to extend itself beyond that. Now we see where people are voicing their opinions and wanting different results; and if they don't get those results, they are beginning to resort to some type of confrontation. It is obvious that there is something wrong with the environment.

Those who are at the receiving end of the confrontation will usually pass it off and say (as I have heard on many occasions), *'Well the young people nowadays are different then they used to be.'* That provides no answer to the question. If they are different, there has to be a reason why—not because they were born at a different time. Uh-uh. It has to be the environment under which they grow. I am going to work on the assumption that times are changing. Dialogue is not always the method by which people choose now to resolve differences, and we see—slowly but surely—a little rise in confrontation when there are varying and opposing views.

Let us relate that situation back to the public service. The Governor mentioned draft legislation being prepared for an Ombudsman, and that this post would be the point of reference for all complaints of public maladministration. I firmly hold the view that if we are going to make any strides forward regarding transparency and accountability it has to be from the top down—not from the bottom up. Let us take for example the way I understand it works today.

The situation that obtains is this: the elected government, and, by association, the official arm (and I say it in that fashion for obvious reasons), who make up Executive Council are the policymakers. But if you examine the situation carefully, there is no straightforward and direct accountability at that level. There is supposedly

collective responsibility, but that suits the occasion when they want it to suit the occasion. When they are ready to get all the votes going in one direction, they use collective responsibility for that. But if there is something wrong with one ministry . . . *'Oh, you must understand. I don't have responsibility for that. That's not me.'* So, there are different levels. It is not consistent.

If government is going to function properly, in my view the collective responsibility being held so near and dear has to function in the right fashion. The very basic working of it talks about the fact that Council might meet, the Governor Chairs Council, and you may have varying views during a discussion, but whichever way the majority rules then Council moves forward in its entirety with that decision. And that is fair. That is one of the basic cornerstones of democracy.

But what does not happen at present . . . and we have preached this for years, but it becomes clearer every day. Regardless of what they say, they have never in my time here, come here with a plan stating to us and the country, *'This is what we plan to accomplish within the next three years, four years'*, or whatever length of time, medium term, or long term. I won't say the short term because you can't run a country on the short term.

What happens is that each ministry functions with its own priorities. This might not be an exciting topic, but it's fundamental and very important to understand as to why a lot of things fail. Each ministry functions with its own priorities. And then, after they establish their own path, every year they get together and by the time it's time to deliver a budget address they go through a whole long list of arguments as to who keeps what, who can hold what off, and within that short period of time no one can tell me that justice is done to the management of this country. It cannot be done!

They will say, *'Well, look at how many good things we have done.'* Bologna! Not because I am saying that nothing good has been done, but because every day of the week we can still find where something has not been done. And we can say, *'Well, you know, we really should have done that before we did this.'* Mr. Speaker, we are talking about priorities.

The way I think government should function is just as the collective responsibility prevails in certain areas, it should extend itself to collective accountability also. I will explain why. If every Jackman (or woman) shared the same ultimate accountability to this parliament and ultimately to the people of this country for all of the actions, then no longer would each of them have their own agenda. They would realise that even though they might get their agenda down pat, and might achieve it, if they don't look at the whole big picture, even though their agenda is complete they will be held accountable too. That is not what happens today.

One might say that is neither here nor there because that won't affect the price of rice or how government functions. But in my view, it is the single most obvious reason why the government functions no better than it does today.

This is an election year. They will tell you they have to look good. And the Minister of Education has the hardest time in his life keeping it together. As someone said in here very recently, to keep the peace, look at the state of education. I will get to that. The government cannot function like that.

So, when we talk about the Ombudsman, we talk about the functions of the government first because we are looking at transparency and accountability. If government were to function in that way, which, by the way, is what the financial reform is calling for . . . what it calls for is a medium term financial strategy outlining a list of priorities which government agrees to and brings forward collectively. And they have a game plan that they want to deliver to the country. We have never seen that. Each and every one of them talks about this, that, and the next thing.

It's not condemnation of them, you know. When I am ready to do that, the world knows and you know (and I will watch myself so I do not cross the line) that I will do that. The point is not to finger them; the point is simply to show up the inadequacies. But they cling to that because it allows them the latitude they want, and it takes away a certain amount of discipline. I won't get into specifics this morning. That is not the line I want to take.

If you have a game plan, if you have some type of medium-term plan to go forward with, . . . the tenure of a government is four years. Have a plan! Stand up and tell the country this is what you are going to do. But when each individual does it, and there is not enough money and/or time to accomplish all of it, all you have is talk in many areas and nothing gets done in other areas because no priorities have been established. I think that's a fact. It's not just conjecture on my part, I think it's a fact.

I think that if we could get government functioning in that fashion, and they come forward with a plan which has its priorities listed, meaning they project what funds are going to be available, you have your costings for these projects, and it's going to be a revolving situation, and while you have a plan you will have emergencies that will crop up, and you deal with them as they come, but you have to have a sense of direction.

Look at what is happening to roads. The Second Elected Member for Bodden Town just talked about improvements on the roads up toward the eastern districts. And she's right. But I don't know if you have driven there, Mr. Speaker, but I want anyone to tell me if the way that is being done is the most cost effective way to do it. It cannot be!

Again, so that no one misunderstands the point, I am not telling them they should not have done what they did. But it is obvious that lack of planning has caused the situation to get the way it is, that fixing certain areas of the roads is basically just outing the fires because you look at what is supposedly worse. If it were a moving plan and X amount was established every year, and you just kept at it, and kept at it, and kept at it, . . . It doesn't have to be exciting. The key word here is *consistency*.

I remember the Fourth Elected Member for George Town bringing a private member's motion regarding a

road fund, which was approved unanimously. I haven't heard anything about it since. And that was one of his first little tick marks he got up inside of here. He saw the need for that.

Even when we talk about that . . . Lord, we are getting into things here I am not even sure we need to get into. Anyway, even when we talk about that it comes back to the fundamental way in which government operates—"Government," meaning whichever bodies are there. The reason I consider it to be so important is because it doesn't matter which bodies are there; it's because of the country. That's what it is all about. None of us are here forever.

We can't cling to that old way that we know doesn't work any more. We talk about the Ombudsman being the point of focus the public can complain to about any maladministration within the service. I just mentioned how I see government functioning, being accountable. And when I say being accountable, I don't mean hedging bets. I mean this is what you elected us for; this is the plan we are bringing to this country, and this is what we intend to deliver.

For that to happen, the financial reforms that are moving forward . . . and, by the way, I readily accept that while there may be a timed plan for those reforms, when you get into the logistics of it, if certain things take a little bit longer, I don't have any complaints about that once we understand why. I am not going to press and say that we are a year behind. No, no. But it must be done. And once we are steering the course, it's not a problem.

Mr. Speaker, you are an old seafarer. I only hear the tales. But you set course from Cayman to Jamaica and, depending on the ship you are on, if it takes 36 hours to get there, fine. But if you buck up bad weather, it might take you two days.

**The Speaker:** True.

**Mr. D. Kurt Tibbetts:** But there's no sense sticking to the 36 hours you set and making the boat roll over in the bad weather. We understand that. But you knew when you left here where you were going. That's the point. That's what we continue to lack.

**Mr. Roy Bodden:** Leadership!

**Mr. D. Kurt Tibbetts:** Mr. Speaker, someone just reminded me that takes some leadership.

So, we have the way in which government should function if the financial reforms are taken on board in their broad sense. We then have a government that becomes accountable because it has a plan. And the Legislative Assembly doesn't come here once a year digging for what is right in regard to the budget. The government delivers a plan, the Legislative Assembly knows what the plan is, and the Legislative Assembly periodically gets the opportunity through Finance Committee and otherwise to question how long the plan is, what has been accomplished, if costings are still on line. That's the way it should be.



If that plan is not good enough, then when the results come the people know what to do the next time around. As of now, a large majority of the people in this country go to the poles because they have no other choice. There's no other methodology taught to them, and they vote for whom they like. That will never go right away. I know that.

This country is no longer at that stage. You have to function. I know how it works—I've been there, I've done it. But after being sociable to people, after talking nicely to them, after trying to do whatever outside of this forum you can to assist them, the job doesn't end there. It just begins there. You have a country to run. And whether it's the executive branch or the backbench the function must work in order to achieve the results.

Whenever government comes back to answer me, I hope they don't come with the same old fool/fool talk about look at this and look at that. We need to get into the functions because that is where the money is being wasted in this country. A lot of it is not being wasted wilfully. You know, they say wilful waste makes woeful want. We are soon coming to the point of woeful want. But it's not that the money is being wilfully wasted. It is because the way the system should function is not in tact.

So, now we have the government and we have the ombudsman. And we are calling for transparency and accountability. This is like a three-legged stool. If you take either one of the legs away, the stool cannot stand up. I have only talked about two of them, but there's a third one. That third one is freedom of information.

I know that the freedom of information private member's motion was passed a couple of years back. It has been unanimously accepted and it is going to happen. There is no beef about that. But I want to explain why, in my view having an ombudsman and a government functioning as it should with accountability, we must have freedom of information.

Our system of government . . . basically there is a line that has been drawn over the years when it comes to divulging information. That line is drawn because the system is there to protect leadership. Perhaps that comes from the old colonial style where if you look, even to this day, the real head of state is royalty. But in truth and in fact, there has been a certain revolution in that system. While the head of state is royalty, royalty really doesn't run the country. But that stems from that old style. You can't have any scandals—nothing like that—so you have to keep information tight. As far as I am concerned, none of us should have that luxury today.

If you have a government, and if you have a civil service where you have freedom of information, . . . and by freedom of information, I am not suggesting that there are some things that you don't call the press and say '*Come, I have this information, take it.*' We all know that. I am talking about regular decision-making processes. If you have freedom of information, if you have a government that collectively is accountable, immediately—even with the existing government today—the thought process in making decisions is going to be a better one because

they are accountable and people will know how they made their decision.

It is not to judge anyone saying people use the fact that you don't have freedom of information nowadays as shelter to do any shenanigans. I am not saying that. I don't want to entertain the thought! What I am saying is that we could never think of it like that if there were freedom of information.

Let us look at the chain of command. If we had a government that was accountable, they are the policy makers. The civil service takes it from policy to make it happen. If you have freedom of information, every level of decision making that is done would be done more thoroughly. Do you know why? Because at every level, from the Minister to the PS, to the Head of Department, to the man on the road, is going to know that whenever anything went wrong, because of that freedom of information you will be able to say, '*Well, it went right up to here. The policy was correct, the directions were correct, but they used the wrong piece of equipment.*' So, you can understand what happened. It's a matter of rounding the system off to where decisions are made by thorough thought processes.

We cannot say that is the case today. The reason why is because we don't have a system that ensures that that happens. We must have freedom of information for that stool to stand firm.

The ombudsman's post by its mere existence is three-quarters of the job. If you have an elected government and a public service that knows, if there is any perceived injustice, that there is an ombudsman who after receiving a complaint will have access to determine exactly what happened, then they are going to ensure to the best of their ability that they are not exposed.

The fact that nothing like that exists does not give anyone the impetus to really make sure that when they are dealing with me, or you as the public, that they are going to do what they are supposed to do. Again, it is not to suggest that people in the civil service don't care, or that government is hiding behind a cloak of secrecy—although at times I have my thoughts about that because the world knows me and them hook on that all the time. We are going to continue as long as I am here, until I am satisfied.

Even when perception becomes reality, if we have a situation where everything that really matters is in the open, the public has access to such information, then the whole process will be transparent, the accountability will be levelled where it should be, and the system will call for much better results. The public will have the confidence they should have in the government. I guarantee you that now they do not—not just because of who the government is, but government itself. The public, not just of this country, but the public in large of the whole world now see it as much more important than it used to be that they have access to information. And they have every right.

Sometimes I truly wonder . . . if we look at any one of us who might be in Executive Council today, people see that as a position of such importance. Yes, on the

one hand, because there is a fairly large responsibility there if you are going to be effective. And a lot of people think that it's something that makes you somebody. It makes people have to call you sir, and when they know you have come to do business, they treat you special and all of that. If you go to the public to ask them for the opportunity to represent them in these hallowed halls, you then are a servant!

Now, if you don't want it to be like that, then don't fool with it. That's how I see it.

So, it behoves anyone in the process to be willing to be held accountable, to be willing to participate in the process in such a manner that the public feels comfortable with the process and that they don't feel like you are doing something behind their backs to please one individual and at the end of the day causing more harm than good to the wider cross section. Why not?

I took the time to talk about that because the Minister of Education on many, many occasions has jumped up—as is his only defence so many times when criticism is levelled at him or at his government either for their actions or their inaction about the opposition not offering any solutions . . . do you know what I want him to do? Pick this one up and go do it. Then we might get somewhere.

It is nothing new to them. You hear me mention the medium term financial strategy? That strategy has been prepared and redone. It will have to be redone. If you have a medium term strategy that encapsulates a period of three years, what it means is that after you complete one year you have to add another year to it to keep three years remaining.

**The Speaker:** Right.

**Mr. D. Kurt Tibbetts:** So that means that you have to do a revision every year.

Mr. Speaker, I happen to know that six revisions have been done which means a minimum of a six year period! And the Financial Secretary has answered me on at least eight occasions if not more that it is coming. I am not blaming him for one second. I know he wants it to come. It is coming. It is coming! And it is still coming! But it has not come yet!

[Members' laughter]

**Mr. D. Kurt Tibbetts:** This is not new to the government. But what that does is tie you in to a list of priorities. That is what they have run from for years! Because it requires discipline.

What they are used to is walking whoever you walk over to form a government. After you wear your crown and people throw you up on top of their shoulders, clapping and you come down to what really has to be done for the country, . . . they want the latitude to please whom they wish on any given occasion. And to be able to do that you cannot have a plan. I want them to ask which is better and tell me that it is not a planned priority process

that is better than getting up every morning and listening to hollering. It has to be!

Go to your home, think of your children. Think of how they throw things at you every day, and think, if you responded to their whims and fancies every time they made their requests, if you would have any uniformity, any discipline, or any progress. It wouldn't happen because they are acting on instinct. I don't think I have to go any deeper into that. I think the point is made.

**The Speaker:** If you have reached a convenient point, we shall take the morning break.

**Mr. D. Kurt Tibbetts:** Yes sir.

**The Speaker:** We shall suspend for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 11:32 AM

#### PROCEEDINGS RESUMED AT 12:10 PM

**The Speaker:** Please be seated. This break was exactly 38 minutes. I ask honourable members, let us try to shorten the breaks. Debate on the Throne Speech continues. The First Elected Member for George Town, continuing.

**Mr. D. Kurt Tibbetts:** Thank you.

Just to sum up on the picture of the three-legged stool I have been painting in regard to the working of government, I want to say that if there is an intention for legislation to be brought forward and for the post of ombudsman to be created before year's end, then I think that it is important to move the introduction of legislation for freedom of information forward. I think the way it was originally planned was that it would have taken a little bit longer for such legislation to be introduced, but I hold a firm view that the post of ombudsman cannot function effectively unless freedom of information exists.

So, I urge His Excellency, in tandem with what he said about the ombudsman, to take into consideration the accompanying legislation for freedom of information. I certainly support the post of ombudsman because I think it will allow government to function much more effectively, and public confidence in government to rise.

When we look at the way in which a government should function, and we look at the distance we have travelled as a country in such a very short period of time, relatively speaking, we find that we are facing a myriad of problems today that perhaps the majority of us would not like to have to face. But along with certain things come others, just by the nature of the beast.

There has been a select committee on immigration that has met. There is an interim report that has been laid upon the Table. We have asked for more public input based on that report. By now, we will have various sectors of the community responding. As was anticipated, and as is expected, we will have varying views from various areas.

The progress we have enjoyed as a small country is phenomenal, to say the least. There is always the down side. And several of us have talked about that over the years we have been here. There is always the cry about the price of progress and do we really get the benefits of such progress accruing to as many as possible.

In any country—and we are no exception—certain sectors of society cry out for certain areas; others say, *‘Well, if you do that, it’s going to affect us negatively.’* You will always have these varying views. But there are certain basic commonalities that I believe any deliberations on this matter must take into consideration, otherwise the logic will be skewed regarding what is best for the country.

When it comes to immigration in our situation, I think that one of the base ingredients has to be, regardless of which angle you are looking at it from, the pending social impacts. A friend of mine said to me this morning that if we do not do the best we can to control our own destiny in this area, then perhaps what we are doing is throwing our hands up in the air and having to accept whatever happens. Regardless of the varying views, I don’t believe anyone does not want the right thing to happen.

Bearing in mind that we should try to be as least confrontational as possible and entertain dialogue, I think that is exactly what we need to do. I am going to just say a few words about it. I think while the Governor made no specific mention in the area of immigration, I think it is very important for us to consider. It is going to have—as it already has had—a very, very serious effect on what this country is going to look like even ten years down the line, much less twenty.

There are some basic facts, which at the moment I don’t have all of available. But I am going to talk about that for a second. I don’t have exact figures, so I will use approximations. But the approximations are not quite as important as the ramifications, so I think I can just use rounded figures.

If, when the census is completed and collated and the results made known, we end up with what is thought to be a population of 45,000 people, and if perhaps the Caymanian end of that population (Caymanian being status holders and their offspring, and what is termed the indigenous population) is 20,000, then if we take the rest of that figure and try to discern what figure is called “transient” and what figure may be termed “residents of the island” even though the vast majority will not have achieved what we know to be “permanent residence,” it is still very likely that we will have all inclusively 20,000 people who would consider themselves at this point in time to be permanent residents.

One of the things we have to be looking at is when we want to talk about Vision 2008, what the country should be like by the year 2008, the immigration factor is a very vital part and ingredient of that entire picture. I pause to make a little joke here.

From the day I sought to represent the people of the district of George Town, I have constantly been accused by those whom the Third Elected Member for Bodden Town would call the “detractors” of wanting to be elected

because I want to give all the Jamaicans status. Yes. I have heard it time and time again. I heard it recently too.

I hold the view that that stems from the fact that perhaps because of my long association with sports and other areas, that a lot of the Jamaican population who have been here for many, many years . . . I know the vast majority of them. People associate me on occasion with that part of our community.

But, I am also known (as I will say today) to have a belief that the many long term residents in this country—and when I say “long term” I mean long term, people who have made here their home; people who have been accepted in this community; people who have bore children here; people whose children have gone through the school system here, have grown up here and are working here—cannot be left as they are. I hold that view out of a sense of natural justice, but also because the fact is are we going to tell them they have to leave the country?

We haven’t done so thus far. In fact, it seems pretty obvious that government has found itself in a situation where it is such a difficult task to tackle that in its eighth year as the government it hasn’t done anything about it at all.

Here are the facts as I know them. While many of us will agree that these very long term residents should be dealt with, because they are not going anywhere, and if they are going to be part of this society they may as well feel themselves part of the society, to be able to be the productive members of society we would like them to be, then if we even take those away, and we want to talk about, let us say people who have lived here between five and 15 years, but who may not have permanent residence at present, but who consider themselves to be permanent residents of the country because they are acting the role of permanent residents—they are buying homes, and all of those types of things, those people in that category are several thousand people.

In fact, I believe that we are looking in excess of 10,000 individuals—not counting children. And they are making children! We are not talking about one person. And with any decision you are going to make, you cannot think of a displacement in the society as it is of any of those numbers I am talking about. It’s just not practical, it’s not sensible, it’s not reasonable. So, when we look at that type of stuff, Mr. Speaker, we have to consider how we want our country to be within ten years, within 20 years. We have to begin to make some decisions.

When we look at the kind of numbers we are talking about, we will have one arm of the society saying, with a valid fear, that Caymanians are already beginning to be outnumbered. Then, you look at the wider ramifications and you think of the business world in this country. While the people involved in business may want to agree on the one hand about Caymanians being outnumbered, if the facts are put to them, for those businesses to function the way they are now, and to have any chance of continuity, you cannot displace these people out of society. Not only do these people work in these businesses, but their earning power is just as important as any other

segment of this society to keep business rolling. It's not an easy task.

Some people will make political hey-day out of this situation, trying to grasp opportunities when they hear certain things being said just for political expedience. In my view that is so irresponsible it is not funny! This is a serious situation. We have people who have made their lives here over many, many years, who you find it difficult not to be willing to say we have to do something about these people. I don't care from what angle you look at it.

Let's get this very clear now. Government has taken it on its own to put some fancy thing in the paper about this interim report, as if to absolve itself, in that statement about the five ministers. I ain't getting into that. Don't worry. I am not going to do that.

The fact is that the report is just that—a report. Obviously, there were various thoughts that went together from amongst us on the committee to come up with that report. But no one is saying that there is a hard and fast circumstance coming out of that report, which is what any amending legislation is going to bring.

I will tell you that I think it is very important for everyone in considering this situation to have the ability to look at the wider picture to make sure that, as difficult as these decisions are, at least we get it as right as we can before we move on. What would be the worst to come out of this is for nothing to be done.

**The Speaker:** I agree.

**Mr. D. Kurt Tibbetts:** That's what would be the worst, for nothing to be done—as has been the case for many years. I contend that because nothing has been done for many years is why the decisions that now have to be made are that much more difficult—simply because you are looking at larger numbers of people.

I am going to use a little example. There are seemingly many concerns about the five-year rollover period for foreign nationals being employed in the country. Those concerns have their validity because a business will say, *'Well, if we are going to have to continue to import labour, then if someone is working with me for five years and that person knows the business and is performing his or her functions very well, why are you saying to me that I can only have that person for five years, and then I have to go and get someone else and go through transition periods and lack of productivity until I can get the new person in gear and get going again.'* That's valid.

But, on the other hand, if we look at the broader picture—and this is going to be shocking, but mathematically it is correct—and we do nothing for the next 15 years (hear this carefully), if we do just as we have been doing now, we are going to have a population in this country where 70% of the voting age people will not be able to vote, but they will be residing here on what they call a permanent basis. You will have a government and a Legislative Assembly that basically represents 30% of your population. That's the big picture! I may not have all

of those figures right down pat, but mathematically, the way the trend has been I am not far off.

Let us examine the wider ramifications. Any country in the world (Cayman being no exception) cannot survive or function with a population with that type of ratio. It cannot. Let us look at some very basic problems that creates. Let us look at the makeup of this Legislative Assembly, if that were allowed to happen.

People who seek to be representatives are only naturally going to expend their energies in the areas that matter at the poles. That's only natural. Mr. Speaker, do we realise what kind of country we could have then? And then you look at 70% of the population that feel totally disenfranchised. How can they function in this society? How can they feel they are part of a society and still be expected to function by being good citizens, by making the sacrifices they should make to have their country in good shape? You couldn't expect that.

Now, what I just said . . . chances are that half the world that might hear this statement will say that I am a mad man. I am not! I am not known to make those kinds of statements off the cuff. I am much too cautious for that. I have thought about this. I have looked at the numbers. I have been scared you know what, and still am, because I (admittedly so at this very minute) am still not 100% sure of the correct direction. But, as I said, what I know we can't do is nothing.

If we paint that picture and understand those ramifications, what it comes down to is that, first of all, every Jack man in this country, whether he is resident or Caymanian, must understand that all of us—every one of us—has a responsibility to ensure that our actions are based on proper knowledge when it comes to what we want to see happen in this direction. We also have to consider, very, very seriously, what kind of composition we want our society to have over an extended period of time. I am going to explain that.

I believe that because people don't think I have any hidden agenda I feel free, even when it's controversial, to speak what I know is my truth. I don't think people believe that I have any ulterior motives. And I believe that I have the responsibility to make the facts known to make sure that people consider all the things they have to consider. I understand that it's difficult when you take one perspective and come to a conclusion to really take time out to look at the big picture. But our responsibility is that whole big picture. It is not to one person, or to one arm of society, or to one special interest group. Our responsibility is to hear all of them out and to ensure that the dialogue gets to the point where all the facts are known so that people can begin to look at the bigger picture rather than be insular. And that's what I am trying to do with this little area this morning.

It's touchy. It's very difficult to deal with. And most of us are afraid to pass opinions for fear that we have more against that opinion than we do for it. But when I talk about the composition of society over an extended period, and I think if I am correct, the facts will be made known to the public in very short order (I don't have those facts, but I think we will all know in a very short

time), let us look at work permits, and let us look at the numbers of those work permits and which categories constitute the larger amounts of bodies. These are just hard core facts, no emotion.

The trend that we have allowed by inaction on our part over the past several years (because of not having any real policy direction of consequence, so to speak), is that people have come here because of the way the economy is. The way the country is, many people naturally want to stay here. They enjoy good working relationships. But we have to look at those numbers and consider as time goes on (when we see the categories that have the most bodies) what will make up our entire society in a few years' time.

The reason I am not going much further with that argument is because I don't have the statistics available to me. But, as I said, they will be available shortly. But we have to be looking at that. And we have to create a balance in our society. We cannot simply look at if any decision that is made is going to perchance financially impact negatively any sector of society. This decision has to be made based on the big picture.

You know, Mr. Speaker, what is more frightening with this immigration issue is that I don't think the majority of people really, really, realise the numbers we are talking about. Let us extend the argument a bit further.

On more than on occasion, the Fourth Elected Member for George Town has mentioned that 53% of the Caymanian working population earns below \$1,500 per month. This argument about immigration cannot be isolated simply with numbers. That's a very important part of it. But it also extends itself to our ability to educate the Caymanians. And not only the Caymanians, but also those others who are here to stay whether we like it or not.

If those proportions which have increased dramatically over the past few years because that imported labour force continue to increase in that proportion, what kind of society are we going to have? People might not want to talk about this. They might not want to address it. They might think that because it is not looking at the day after tomorrow that we can just shove this aside and make somebody else deal with it. I ain't planning to go anywhere right now. I think we should have dealt with this a long time ago.

Every day that passes and we don't try to make conscious and informed decisions about this situation makes it more difficult and makes it have less chance of us doing anything right about it.

I, for one, hold the view that if we drew a line, created a perspective, and put the majority of the people in this country on a course with their lives, that everyone would want to protect the future of this country all the more. Right now, we don't have that. You hear a lot of people talking about the cultures being imported, and all the negatives about that. Some of us actually witnessed some of those negatives. Those statements are not totally unfounded.

If you want to try to establish some type of control over that, you have to have policy and direction—and we

have none at present. We cannot create policy or direction in this area by listening to one person regarding a certain issue. We have to be looking at the whole big picture.

When I speak about policy and direction, I am not just talking about little policy directions being forwarded every now and then to the Immigration Board from Executive Council. I am talking about broadbase policy which determines as best as possible how this country is going to view itself within given periods of time. And if you don't have policy, which gives as much possibility of that occurring in that period of time, then you basically have to take what you get.

I don't think we are in a position any longer to simply just sit and hope for the best because the best will happen. It's not going to happen.

I welcome all the varying thoughts about our situation regarding immigration, simply because I want as much information and knowledge as possible so that my perspective when it comes to the decision-making process can be as informed as possible. But I will tell you what I am not going to do—and I mean this from the bottom of my heart—I am not going to participate in any decision in any manner which does not allow for us to look at the broadbase picture that we have to look at now.

We cannot make decisions any longer in an insular fashion just to get this person or that group off our back. Everyone's responsibility—including ours—is to ensure that we look at the entire picture when we come to make these decisions, and we have to begin to make them. We can't get scared and use avenues and methods to hold off on these decisions because it makes our life easier. That is what has been happening for too long.

I am not a proponent of any single action just to satisfy any person or group of people. I have my own views which I have no problem expressing. But at all times, when I express those views, because I know how difficult the situation is, I always crave for other views so that it may help me to make the right decisions. I think that all of us should look at it in that light.

So, Mr. Speaker, I mentioned this area to say that when we are looking down the line in all of our dealings with the workings of government, and how we see the country being shaped over the next several years, this is very critical. We have to be willing and prepared with all of the information available to us to make the decisions that are necessary for the very survival of this country.

The social impact alone that faces this country, not only in the immediate but down the line . . . if we do not do what is right in this area, it can be totally devastating.

Law and order, and social harmony are the attachments to our success in the tourism industry, the financial industry, notwithstanding all the legislation that keeps coming in place to keep up with the times. But the day our country is not safe and the ambience that exists disappears, it won't matter what type of legislation we have, or how many attractions we have, people will stop coming here and will stop doing business here. It is as simple as that.

So, our responsibility has to bear that in mind. We cannot simply hope for that to retain itself, but improve and make it happen, we have to make conscious decisions that will ensure the best chance of that happening so that we don't lose it all. And don't forget, the social impacts I am talking about, the social harmony, that affects everything. If our economy ever noticeably drops, we are D-E-A-D in the water!

The people in this country have become accustomed to certain things. And even though you have a lot of people not earning quite enough so they can be as comfortable as they would like to be, the vast majority can get by. But also, unfortunately for us, many people in this country are living on next month's paycheque. They are. That is a fact. If this economy slows down noticeably and people can't make their way . . . none of us even wants to think about that.

**Mr. Roy Bodden:** True!

**Mr. D. Kurt Tibbetts:** That is not preaching gloom and doom. But any of us who don't realise the very distinct possibility of those things happening if we are not serious and conscious in the decision-making process is sadly mistaken. That should simply be the ringing bell to make sure that we do what we have to do.

**The Speaker:** Are you at a convenient point? We shall now suspend proceedings until 2.15.

#### PROCEEDINGS SUSPENDED AT 12.55 PM

#### PROCEEDINGS RESUMED AT 2.45 PM

**The Speaker:** Please be seated. Debate on the Throne Speech continues. The First Elected Member for George Town, continuing.

**Mr. D. Kurt Tibbetts:** Thank you.

When we broke for lunch, I was just about summing up the area of immigration. I mentioned that I considered it to be one of the most aspects of consideration we have to deal with now as a country.

Before I move away from that, I was talking earlier about the various ways one might want to look at the very serious decisions that have to be made. I would just like to make a point that it is of vital importance, from my perspective, that we decide the composition of the society that we wish.

I don't subscribe to the view that we should only allow professionals to remain in the country for extended periods of time because they are "professionals." That, in itself, can have a negative impact on your society because if we look at it from that point of view we could end up in both the medium and long term with a lot of dissatisfied Caymanians considering themselves displaced in certain types of occupations.

But neither do I subscribe to the opposite view that relates to the composition of the society we want. If we turn the coin and say that we don't want the profession-

als, and all we want are certain other unskilled categories by numbers, that will create its own problems. It is not an easy decision.

I raise that point to say that anyone who wants to take a position in regard to the decisions that have to be made, should take the time out to get all of the information available to ensure that that decision is not just based on how it will affect them. If we limit it to that, we are going to get nowhere. We have to look at the broad picture.

The other thing that I wish to say is that while none of us might be able to look in a crystal ball and know exactly what the future holds, I think we as a country have to bear in mind that when it comes to the rate of development we have experienced, it doesn't necessarily mean that we plan for that rate of growth to continue. At the same time, we don't want to talk about slowing the economy down to a grinding halt because the Caymanian society is not prepared for that, and that could spell more doom than anything else.

What we have to do is examine what good has come out of the growth we have experienced, and we have to be able to understand and accept the down side, the prices we have had to pay. Then we have to decide what level is acceptable. Have we paid too high a price? Are we prepared to pay some more? Exactly what are we willing to accept in order to achieve the goal?

I think that for too long we have been afraid to openly address these issues. And the majority of us in the political arena sort of have an almost inbred fear of taking positions because if we satisfy one side, then the other side will turn against us. I don't think that should be the exercise. I think we should all be willing to offer our opinion, but to respect what others say, to make sure that any position taken by any amending legislation or any policy directives which might come from government, at least we know that when those decisions are made they are made from an informed position, knowing just about all that is possible to be known about the ramifications of those decisions. That's the way I think we have to look at it.

I would say today to the public that I would hope that the public can take on board that same attitude so that the fear does not continue to exist that you know this is the right decision to make but you don't want to have to take on this group or the next. The truth is, whatever decisions are made, and whatever impact it has on society and the economy will affect all of us. So while I am sure that no one wants to make the wrong decisions, we cannot be insular in the thought process. That's what I am saying about it.

Perhaps that's enough said on that topic. I will now move on. I am not going to necessarily be dealing with the areas I want to in the order they appear in the Throne Speech.

I mentioned that three-legged stool, and I spoke about the ombudsman, and about transparency and accountability in how I think government should function. I spoke about freedom of information. Walking the same

road with all of that is what the Governor referred to as capacity building under the Personnel Department.

Here are the facts, as I know them. At present we are undergoing some changes in the way we do business. The financial management reforms are going to cause the way the civil service operates to change. While this has to be a timely process whose methodology is acceptable, the important thing to bear in mind is that we have a good civil service that by and large operates within the bounds of the system it operates in as good a fashion as one can expect. But we are not going to be able to expect all of these changes to take place if we do not equip the civil servants with the right tools to not only make those changes, but having made those changes to work them on a day-to-day basis. So I think that's very important.

We have argued on more than one occasion about succession planning. And I have to say at this point in time that I do not believe there has been enough effort in that area by and large. I don't believe that enough emphasis has been put on succession planning and capacity building within the human resources available.

Perhaps it is not very sensible to go back and talk about all the things that have gone wrong with that. Perhaps it is best for us to look at the more vital role that takes on in the function of government as we move forward. I think that we should be able to identify the needs as they arise and we should be able to find ourselves with the mechanism in place to identify the people who can satisfy those needs and equip those people with the tools to do just that.

That is perhaps easier said than done, but I hold the view that we do not have a choice in the matter. I hold the view that this must be done. Along with that is the fact that if the government is going to deal with initiatives and create expectations from the private sector in this area, then it must lead by example.

It is probably not factual to say that nothing has been done about it. But I seriously believe that not enough attention has been paid to it. Unfortunately, the problem that might arise out of a lack of succession planning or capacity building within government itself, can probably easily be paralleled to the private sector.

Let us just take an example that could fall true for both public and private sector. Let us say the private sector, someone that needs an employee. Let us say one of the larger firms needs an employee with certain skills, but it is a growing company and they don't find the time to train a Caymanian to fill that post. It is much better for them, and from a dollar point of view wiser for them in the immediate term to pay the government a fee for a work permit and get somebody from overseas who is qualified to do that job. While they have to pay the work permit fee, at the end of the day they are importing some immediate efficiencies in human capital which will in turn produce results for them, both financially and otherwise, within their company's operation.

If one simply looks at the logistics of that in the immediate term, you can't fault them for that. So, let us look in the public sector. We find the same thing prevailing in

individual jobs. The Immigration Board will write back in certain categories and say you must be able to find a Caymanian who can do this job. And there is continuous argument over this. It just never ends. And you wonder what the solution is.

I say that government has to lead by example because we now have to be looking a little bit further than our noses when dealing with such matters. If we are not prepared, not only in the public sector but in the private sector, in all sectors, to accept not only a social responsibility but a financial responsibility to our own well being, we are all going to pay the price for it.

Remember when I started off this morning I talked about the Governor's statement that the Caymanian way is to have dialogue when there are differences rather than confrontation? Now we notice that there is just a little bit more confrontation and everyone is wondering why. These are the reasons why. It has happened in so many other countries before, and many of us keep referring to other places. But it seems that we are hell bent on making sure that it happens to us too so that we can add ourselves to the list.

I don't want that to happen. I don't think that any one of us wants that to happen. But we have to do something about it.

You keep wondering why people start to think differently. It's like this: If you have a civil servant who in his or her own experience feels like he is being kept down and not being offered enough opportunities to avail him of better training to not only increase his earning power but to find a better lot in life, then that person who is dissatisfied is going to tell his friend, who will tell his other friend, who will tell his other friend. So, you get a way of thinking on one specific situation that they want to hold Caymanians down. Worse if you find a second situation like that and the whole situation just keeps multiplying itself. I believe that is what has happened.

Not only do you find the word spreading whenever we are not sensitive enough to deal with the circumstances in the right way, but we find that we have a double problem. Not only will you have dissatisfied individuals, but as time goes on, we find them wanting to get together to make a difference. Just like the people in church get together to make a difference in this world, so too, people who feel there are injustices. They will get together because they want to make a difference too.

Hence, you have the confrontations. You have some of it in the civil service right now. I am fairly confident that the matters can be resolved. But I use the example to show that when you don't do the right thing about one specific circumstance, the far-reaching negative effects can be much wider spread than that one incident.

The point in all of that is that we have to be proactive. We have to search to find and identify where our problems lie and immediately work on solutions. We have this thing about us where we wait until it blows up in our face before we do anything. The Third Elected Member for Bodden Town talks about outing fires, crisis

management. The First Elected Member for West Bay refers to that.

I don't think any one of us wants to be labelled for those types of activities, but I will tell you what—and this is not trying to hit below the belt—government has become famous for being labelled with those names.

I want to move on into a little area under the Public Service Pensions Board. The Governor said that, **“The Public Service Pensions Board is carrying out an actuarial valuation of the Public Service Pensions Fund. The Fund stood at approximately \$59 million as at 31<sup>st</sup> December 1999. It is expected that this balance will increase through contributions and earnings to \$76.4 million by year end.”**

I am going to take this opportunity to make a few predictions. I remember not too very long ago when we were talking during Finance Committee about this past service liability. We even had to get legal opinion from the Second Official Member as to whether there was a statutory obligation or not. Not by design, but by sheer luck the government discovered that because of the way the new law was crafted, the 1999 revision to the Public Service Pension Law, they discovered that their obligation ceased to be a statutory obligation when the new law was put in place. The only reason that happened is because that law took so long to come to this Legislative Assembly.

But it did not change the obligation. The only difference that the law allowed was for the word “statutory” to be taken out and thrown in the air. But “statutory” is not the operative word. It is only a term of description, and adjective. The operative word is “obligation.” Nothing changes about that. There is that obligation.

Now, two members of the government spouted off continuously about how much since this government took over in the last two terms that . . . one even went so far as to say that “out of the goodness of their hearts” they had agreed to fund the public service pension fund to where it would stand at \$76.4 million by the end of the year 2000.

Mr. Speaker, when the last actuarial review was done . . . and, by the way, I know a little bit of the history of this thing. But that's not really the important point. A soul not so kind as mine would have taken another hour to talk about transparency and accountability on this same issue. But I am not going to do that. Had that actuarial review which was completed in 1996 been tabled in this House, we wouldn't have had any problems. But it wasn't tabled because I couldn't remember it. And my lady friend who does all my research (that is the Member for North Side) checked straight through the *Hansards* and that report was not tabled. That's why I can afford to say that without guessing.

When that review was done in 1996, if memory serves me right, the total liability of the government for pensions, public service pensions (it is called contingent liabilities, and I will deal with that in a minute), was somewhere in the region of \$157 million. At that time, the fund had but a paltry sum in it.

Now, hear this carefully: In 1996 that amount was supposedly \$157 million total, the liability of the government. The government boasts of the fund having \$76 million by year-end 2000 and talks about how much they have done. Let's establish a few facts.

I am the first one to admit that this government has dealt with the issue more effectively than any other government. I totally agree with that.

The reason given by the Minister of Tourism for why they didn't add the past service liability as a part of recurrent and statutory expenditure, the 5% they had been doing in the past couple of years, is because they looked at the fund and thought that it was healthy. And they would wait until the actuarial review was completed before making another assessment.

I want to know what the government is going to say, since they did so much to fund the fund, when this review is done now and it comes back that even though the fund has been increased to \$76 million by year end, that the liability that was \$157 million is close to \$250 million now. I want them to answer that.

That figure is not said with authority. But I am going to wager a guess today that when that actuarial review is completed, that the liability between 1996 (because I think it will have been done as of 1999) is going to rise between \$50 million and \$100 million. When that happens, the same law . . . and I want them to listen and hear me out, because I want them to come back and tell me where I went wrong. The very same law that took them out of the misery they were in about a “statutory” obligation, that very same law is going to pin them to the cross with that “obligation.”

The new law says that the Board will prescribe the rates that the employer pays. Now, if the liability has increased from 1996 until now, which means what the country was paying in to the Public Service Pension Fund was not enough because the liability increased, then it must mean that the payment is going to have to increase. Payment, meaning the contribution.

So, you see, because that obligation was not statutory when the budget was done, and because we raised a little stink over it because we didn't think it was right to do it like that, we were made to know that we didn't know what we were talking about; we didn't have any idea of anything like that. But the way the law reads now, when that actuarial review is completed, the honourable Third Official Member is obliged to table it. And I know he will, unlike the first one we didn't see.

Transparency? They should never utter the word. They shouldn't even try to spell it, much less say it! But this one will be different.

It is not just the elected government that has to bear that burden. That is this country's burden. Understand that. And because of not addressing it for so many years is why we are faced with what we are faced with now—just like immigration. And, Mr. Speaker, I remember distinctly hearing you speak about it the first year I was elected in this Parliament. I remember hearing you, sir, voice your concerns. And at that time it was a hell of a lot less than what it is today.



But, the budget had to be balanced—on paper. This is an election year. And if we pay past service liabilities we can't get out of paying the rest. I believe if they figured they could get out of that, they wouldn't have done that either. Anyway . . . I didn't say that.

If we can't address past service liability, that means two things: It means we will have more recurrent revenue to put towards the capital development fund which, as a result, means we will not have to cut our capital development programme for the year. Yes, election year! You see?

The reason why I can stick my nose out with this one is because they can say anything they want, that report is going to be tabled. And we will see how far off I am. And, oh, by the way, I don't know who the actuary is. I don't know the person. So that cannot be considered a leak.

Talk about leak, you know, Mr. Speaker, we talk about transparency. And I hear this business about leaks. I am told that when this issue was brought up about past service liability that the Minister for Tourism made a comment saying that he had a pretty good idea where the leak came from. I didn't hear him myself, but I was told he said that. And if he wants to deny it, I will sit down and not discuss it any more.

[pause]

**Mr. D. Kurt Tibbetts:** It doesn't seem so.

There are some things that really carry me close. Some things that bother you, I laugh at and vice versa. But I want the world to understand that I never come here to capture no leaks from no one. And if the Minister of Tourism, or the Minister of Education, or any one of them believes he has a monopoly on intelligence, he is sadly mistaken. And if I didn't have respect for people, I would tell the Minister of Tourism right now that he's *facety*, but I have respect for people, so I am not saying that.

Some things upset people, others roll it off their backs. But the way I look at life is for any minister to indulge in that thought process tells me what that minister thinks of his civil service. And on the other hand, to tell you the real truth about it, if the word "leak" and its connotation is what this was considered to be, and there was nothing wrong with it, then what are you worried about it for? If their decision was the right decision, why are they worried about it? Why is it considered a leak?

But at that point in time two things occurred: They didn't figure that somebody like me could notice something as blatant as that. And perhaps they figured that somebody wanted to cause them some trouble. That's the only thing I can figure. Perhaps that minister and his government can talk to the Member for North Side and ask her how the story went.

The call for transparency right across the board—government, civil servants, the whole works—is exactly for reasons like this. Two budget documents prior to this 2000 document had everything about past service liability including the little footnote down below, because it is

part and parcel of one figure and the footnote explains what that figure is comprised of including past service liability.

If the two documents, the 1998 and the 1999 documents had all of that in it, and all of a sudden it's not in the 2000 one, people are going to notice it. I have been here almost eight years. This is my eighth budget. I am sure the government knows by now that I don't sit down and twiddle my thumbs. I took my time to learn the document and how it works.

It really was so funny. If you turn the pages of this 2000 document and you see where it has recurrent and statutory expenditure by classification, when you get to the section of the various funds and where the contributions come from, in the 1999 document it had past service liabilities and how much the amount was. Then you have what the amount was in 1999, the projected, the revised, the actual in 1998. And in the 2000 document it has that same line, and it has what the amount was in 1998, the projected in 1999, the revised in 1999, and for 2000 it's blank. Who's not going to notice it? If they didn't want anybody to notice it, they should have taken that whole line out.

Anyway, they called it "a leak."

Getting back to that same past service liability, it is going to come back and haunt because what is called a contingent liability on the part of the government for the public service pension fund, in my view (and I am no expert) it is only a deferred liability. It is not contingent. When I see them refer to contingent liabilities, it means some other agency has accepted responsibility for paying a debt. But the government has a contingent liability because if that agency cannot pay the debt then government is going to have to.

But this public service pension fund is not like that. The government will pay this debt, albeit they are not called on to pay it at one time.

When they call for an actuarial review and it is done, the reason for that actuarial review is to determine what your projected liability is at present, how your fund is in place, what your contributions are on a regular basis, and whether over the period of time you will naturally be called upon to pay out certain amounts from that fund will allow it to sustain itself. That's my understanding. That's what I understood when they took us up inside the committee room very early in 1997, not long after the 1996 election, and they talked to us about that. Because I kept hearing you talk about it. I didn't have a grasp of exactly what it was, but that's my understanding of it.

It's like a mortgage. If you have a mortgage and the bank gives you a repayment schedule and you are paying \$1000 a month, which on a graduating scale the vast majority of the payment goes to interest. And the smaller portion goes to bringing the principal down. But as time goes on the tables turn, and slowly but surely more of the payment is going towards the principal because once your principal drops the amount of interest drops. That's how you end up paying off a loan. The bank makes money because it charges a fixed interest rate and you know what you are up against.

So, if the liability of the fund is such that what you are paying into the fund, whether by contribution or out of general revenue as is now, whatever pensions have to be paid out to individuals is also paid out of general revenue. We know that. And nobody is complaining about that. But government keeps talking about how much they are doing. If what they are doing is not enough, it really doesn't matter. If the mortgage payment is \$1000 per month, and \$999 is going towards interest, and you are only paying \$500, your interest adds up every month, which makes your principal higher which means you'll never pay it off; which means you will never get to the point where you can deal with it.

They would take their own command of the Queen's English and take their fancy words, and probably have convinced the public of what a good job they have done in regard to the public service pension fund. As I said before, I am the first to admit that this government has, in its last two terms, done the most towards addressing that deferred liability. I accept that immediately. All I am saying is that if what is being paid in now is insufficient to bring the liability down, then it is not enough. I can afford to say that because that actuarial review is going to prove it.

When the government did the regulations creating this regulation which called for them as a statutory obligation to pay in 5% of basic salary toward the past service liability, that was part of the 1996 formula. Simply because the amount that is going in now from the PPE, that is the permanent and pensionable establishment, that is the 6% plus the 6%, my understanding is that at best that can only address current and perhaps some of future liability. So that does not address the past liability which means all the things that should have been done before by way of contributions to pension fund. That's why it was done.

But had government come up front and said, '*Listen, we've had a hard time balancing this budget. We feel we have done well with our contributions to the public service pension fund, so we are going to bypass this year's past service liability payment and wait until the actuarial review, since it's being done at present . . .*' We might have huffed and puffed a little bit, but it wouldn't have been anything like this.

To me that too was another irresponsible act. You cannot run a government and base it on political careers. That's not how we should run this country. We should not be looking to deal with our budget and to make sure we have to satisfy the purchased loyalties with all the parochial politics. And because you find yourself in a position where you can't deal with certain things and do that, then you figure you can brush this one aside for now. Perhaps it is even possible that they didn't include it in the budget because the figures wouldn't balance, but they were hoping that if recurrent revenue was up from what the projected amount for the year was they could deal with it later on in the year. I don't know. Either way was wrong is what I am saying. You are testing a projection that you really don't know is a finite figure.

I notice the Minister of Education is smiling at what I am saying. Perhaps if I could read his mind he would be saying '*There he goes again. That's Kurt. He's well briefed again.*' I don't want to hear what he's saying!

[Members' laughter]

**Mr. D. Kurt Tibbetts:** The truth of the matter is that is just another example of why we need the government to function in the way I described earlier this morning—a government that is prepared to be accountable for its actions; a government in the middle of being prepared to give access to information to the public.

This was certainly not an example of that.

**The Speaker:** We shall suspend proceedings for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.40 PM

#### PROCEEDINGS RESUMED AT 4.09 PM

**The Speaker:** Please be seated. Debate on the Throne Speech continues. The First Elected Member for George Town, continuing.

**Mr. D. Kurt Tibbetts:** I think perhaps I will move on to another area now.

I want to speak on Cayman Airways. Even as we speak, it seems that our national airline is experiencing a continuation of problems. I take this area as one of the more difficult ones, because, taking away any political posturing and looking at the reality of the situation, we have an airline that many people say has played a very important role in our economy.

In fact, if one were to listen to the news of only one day ago, American Airlines is pulling out of another one of the eastern Caribbean countries. That would strengthen the argument that you cannot depend upon a foreign airline to have enough regular schedules to the Cayman Islands to maintain the stay-over tourism traffic that has developed over the years. They also sometimes bring the argument that in case of pending national disaster you need to ensure that you have control over your own airline in case of evacuation or anything of that nature.

Added to that, you have a few hundred Caymanians employed with that airline. Notwithstanding other foreign nationals who are employed with Cayman Airways, I think there are still a few hundred Caymanians. So, we have to bear that in mind.

Then you take the flip side of the coin and look at a situation where even when attempts are made to paint a picture of an airline with much hope for the future, it never ceases that you find another string of problems with the airline, that is Cayman Airways, and you are back to square one again. You make projections that by the year 2000 you will be able to report an operational profit. And yet, at the end of the day with the costs in-

curred that were not anticipated, you find yourself in a position where it's impossible to meet the expectations.

You have a Board of Directors that works very hard at trying to make the right decisions. You have dedicated staff with the airline. And you just wonder if it's ever possible that one of these days you will get it right. You will find the professionals and the technically professional staff always saying that you need to change your equipment because the maintenance costs on your existing equipment is too high. Then, when government looks at the picture to make any meaningful attempt to change the aircraft itself, you are looking at several million dollars.

You find that even though the government budget, even this last one, shows a \$4 million subsidy—plus a six-hundred-and-odd-thousand dollar amount under the ministry that will take care of advertising for the airline—but then, when the Auditor General reports on what the actual subsidy is, because of hidden costs you are looking at a figure more like between \$7 million and \$8 million a year. The accumulated deficit continues to increase.

I know government must face difficult decisions with the airline. Being totally honest now, I cannot stand here today and say that I am very sure of what the correct way to go is. But I mention it in my debate because it is obviously a question that has to continue to come to mind. Every year, the country, because of an operation we have existing, has to ensure that it earns \$8 million from somewhere else to be able to ensure that the airline flies.

If one were able to say, *'Well, okay. Let us wipe the slate clean and start afresh. Accept that we are going to have the \$8 million that we actually spend on the airline every year available; organise proper loans for the right equipment, get your staff all organised again . . .'* and you would figure that \$8 million a year might service a reasonably long-term debt. When I say *reasonably long*, maybe a ten or 15-year loan that government might want to take on. Get two new pieces of equipment, get the airline going and perhaps the airline might be in a position at that point in time to not incur operational losses while government is taking care of servicing a debt.

The unfortunate thing about all of that and the difficulty any government will find itself in with that position is that to wipe the slate clean there is also another debt facing the government because Cayman Airways is not going to be able to repay that debt.

So, while I am not 100% sure of what that figure is, I would suspect (and perhaps when the Minister of Education gets up to speak he can fill us in on it) that if you were even to look at going that route—if you liquidated the assets of the airline as it exists now, and tried to clear away whatever debts that exist—you would probably still be into (and I am wagering a guess) \$15 million. Perhaps more! If you did it right now, my understanding is that you won't be able to sell the third aircraft for what it is going to cost. So, there may be another amount you will have to find. But I am just guessing, because the actual figure is not that important.

It must be a difficult task to talk about getting the airline on a sound footing. Whether government is prepared to engage in more borrowing for new equipment, or whether it is going to try to putter along with the airline as it is—accept that you are going to find between \$7 million and \$8 million every year, whether in direct subsidies or services rendered that are not paid for, or whatever—it is a difficult decision.

Regardless of what is said, when you look at the bottom line, the big question that we face at present is does it make sense to continue the way the airline is? My understanding of the situation is that as it is it is costing the country between \$7 million and \$8 million a year. The airline is not to this point—regardless of what anyone is saying—making any progress. In fact, I would venture to say that in recent times it has experienced some tremendous difficulties with customer satisfaction.

I cannot say that I would indefinitely support the thought of the airline continuing just the way it is. We don't know all the facts about the airline in recent times, but we understand that the third aircraft that has been purchased is not working out exactly as anticipated. I also understand that there may be some additional costs incurred. The airline is not operating in such a way that it has any backup cash, so to speak, for these types of unanticipated occurrences.

So, in my view, the airline is almost a shoestring operation. And on many occasions by not having the kind of capitalisation you would hope for, you have to be pennywise and pound-foolish. And it just goes on, and on, and on. I mean, it must be a real difficult situation. I think all of us do not wish to have to entertain the thought about the staff there. But then, you find yourself asking can we just leave it like that and forget about it. It must be difficult.

Unfortunately, I can't really discuss it with any pointed opinions because many of the facts are not facts that I know. I don't even know if they'd want me to know. But at present, I do not. So, I can only talk about it a little bit. My view is that I do not believe that the country should continue to make the airline function and exist in the fashion that it is.

If the country is not prepared to take what may well be some bold steps to look at the whole thing from the long-term viewpoint, then certainly it is senseless to be operating the airline when it costs the government—which means the country . . . and not out of my pocket alone, it's everyone's pocket because the government takes revenue from all of us to subsidise it. But if it costs the country \$8 million—and there does not seem to be any light at the end of the tunnel—then you must wonder if we should continue it in that vein.

I know, like everything else, you have varying views, and you will have one side arguing that it just needs a little bit of time. You will have the other side arguing that it needs new equipment; you will have another side arguing that it needs different staff, different management, and you will hear all kinds of views. But, regardless of what those views indicate, at the end of the day there needs to be some serious decision.

I remember being back and forth with the Minister of Education about this: The government took the position at one time to form leasing companies. And the government guaranteed loans for these leasing companies which in turn purchased aircraft, which in turn leased the aircraft to Cayman Airways, who in turn paid the lease to the company which would service the mortgage.

I related on more than on occasion to the fact that if you, Mr. Speaker, own a house (whether or not you are paying a mortgage), and you rent the house to me, and I am paying rent, whenever my lease is up it's still your house. If it weren't a lease, I wouldn't be leasing from you. I would have gone and got the mortgage you got and that's the way it works. Hundreds of people do business like that.

People know someone who is coming to work for several years as a bank manager, or in a trust firm, something like that, and the person does not intend to purchase a house. Within their contract with the firm they have a certain housing allowance. So, somebody locally builds a house. There have been occasions—and I know this for a fact—where people have gone to the same institution leasing the house and borrowed the money from them.

Now, the person borrows the money from that leasing institution. After that person builds the house the leasing institution turns around and leases the house from that person and that person takes the same payment the leasing institution is paying him to pay them back. When the payments are completed, he owns the house—not the leasing institution.

After that exercise, because things don't look so good, government then turns around and closes out the leasing companies and invests more into Cayman Airways. Since Cayman Airways is owned by government, they supposedly build up equity in Cayman Airways by Cayman Airways owning the planes.

It's not that I don't understand, but it changes the whole perspective. And I have a problem with that. When it was done from the very beginning there was sound business sense. And I remember hearing the Minister of Education himself being the strong proponent of buying the aircraft in this fashion. It all has to do with limited liability. I don't have to go any further than that. And I understand that.

But then, because you are nearly there, and politically you have to find some answers and go and start talking about it, you change the whole picture. So, he said that we are going make Cayman Airways own it so that when we do the books for Cayman Airways . . . because the government's asset that it has paid off a loan for is transferred into Cayman Airways it paints a whole different picture for Cayman Airways. And this is not really curing the airline.

But the same thing the minister preached against . . . because I distinctly remember the first time I sat in here what the minister talked about—the contingent liability to the country with Cayman Airways, and how the whole thing had to change. At the end of the day, and what is in

my view happening now, is that we are doing a full circle of the whole event.

In regard to the initial plan and Cayman Airways leasing these aircraft from government, at the end of the day government owns the aircraft and the sound financial reasoning why those aircraft should then be put into ownership by Cayman Airways . . . somebody needs to explain that to me.

Again, this has nothing to do with whether or not we want Cayman Airways to survive. What we are talking about here is that the kind of decisions we need to make about Cayman Airways is not whether we can make it look good or bad.

See, Mr. Speaker, I know there is some difficulty when I speak about certain things, you know. It is much easier for them if I just talk about people, because they can come back in the same way. But they know I am not dealing with that. And even these kinds of things I am talking about, I am not trying to suggest as those fancy talkers would talk about something “untoward,” but I want the question answered: What is the real basis for changing the whole philosophy?

Mr. Speaker, I certainly won't be finished in the next few minutes sir.

**The Speaker:** I would entertain a motion for the adjournment of this Honourable House.

The Honourable Minister for Tourism, Commerce, Transport and Works.

## ADJOURNMENT

**Hon. Thomas C. Jefferson:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM Wednesday.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM Wednesday. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.32 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 1 MARCH 2000.**

**EDITED  
WEDNESDAY  
1 MARCH 2000  
10.27 AM**

*[Prayers read by the First Elected Member for West Bay]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**The Speaker:** I have apologies for the late arrival of the Second and Third Official Members, and from the Honourable Minister for Tourism, Commerce, Transport and Works. The Fourth Elected Member for West Bay is not well.

Moving on to item number 3 on today's Order Paper, Government Business, Continuation of debate on the Throne Speech delivered by His Excellency Mr. Peter J. Smith, CBE, Governor of the Cayman Islands on Friday, 18 February 2000. Debate continuing, the First Elected Member for George Town.

**GOVERNMENT BUSINESS**

**DEBATE ON THE THRONE SPEECH DELIVERED BY  
HIS EXCELLENCY MR. PETER J. SMITH, CBE, GOV-  
ERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 18  
FEBRUARY 2000**

*(Continuation of debate thereon)*

**Mr. D. Kurt Tibbetts:** Thank you Mr. Speaker.

When we adjourned on Monday afternoon, I was dealing with the subject of Cayman Airways. I remember distinctly asking for the minister to answer one specific question regarding Cayman Airways whenever he got up to speak. And I have a few more questions that I think other members and the general public would like to have clear answers to simply because rumours are never found to benefit anyone.

Mr. Speaker, that first question was regarding government's transfer of ownership of the aircraft into ownership by Cayman Airways. I think perhaps how that may have been done was simply government acquiring more equity in Cayman Airways. I really don't know how the financial ramifications of that work. Anyway, looking at Cayman Airways, there is a question that was mentioned previously in Finance Committee regarding the long term employees (and not to discriminate but . . .), especially the Caymanian long term employees and those with Caymanian connections who have been at Cayman Airways and at present don't see any sensible pension benefits.

The minister was supposed to be getting the facts together to bring back to us, to see what kind of costs we were looking at. But we still haven't heard anything about it.

Mr Speaker, if we tried to do a synopsis of Cayman Airways' financial position (and without having all the relevant facts available to me I can only make a summary, so to speak), I think if we look at the position of the airline right now as we speak, it would be safe comment to say that the airline is not in a better position today than it was six or seven years ago. Before I go on, I am going to beg the minister (even though he is not in the Chamber) when he comes back to answer. Please don't kill us with having to listen to him talking about all the things that happened before—for 15 or 10 years—that we have heard two hundred million times. Please, Mr. Speaker, if you will remember that, sir.

Anyway, let us look at what has happened in the last seven or eight years. The government engaged in a US\$20 million [loan]. I don't think the loan was taken out until 1993, and, if I am not mistaken, the loan is either just about paid off or has recently been paid off. But the government has been paying that and we understood all of that and we understood the problems the airline had before. It is not a matter of believing that there should be a miracle every day of the week and expect it to happen.

Mr. Speaker, we have to decide what we are going to do with the airline, and I say this for a reason. Although it is said on paper that there is a \$4 million subsidy every year to Cayman Airways—and in recent times there has been some money placed for advertising—one year it was in the tourism budget and after that it has been in the budget of the Ministry of Education, Aviation and Planning under that estimate.

Mr. Speaker, as I mentioned before, the Auditor General said in his 1997 report that from what he could gather, factually, it was somewhere between \$7 million and \$8 million that government subsidised the airline with on an annual basis—whether it be direct subsidy or whether it be services rendered—that aren't charged for or whether it be landing fees that the airline simply is not in a financial position to pay for, and then they have to be written off or government pays it off and buys more equity into their line, however it works out. So, based on that it is not—and I repeat it is not—in my view incorrect to say that between January 1993 and year-end 2000, the country will have spent pretty close to \$50 million on Cayman Airways.

I am using a round figure based on what the Auditor General said. If we simply look at what the subsidy says, then we are looking at \$32 million plus the advertising. So we are probably looking at maybe \$36 million or \$37 million. But realistically we are looking at \$50 million and

that's without exaggeration. Between \$7 million and \$8 million, and if you multiply that by 8, you come with \$60 million (or over \$60). So, we are saying that we are calling it about \$50 million.

Mr. Speaker, if we have spent \$50 million on the airline during that period of time just to keep it going, and if the accumulated deficit has continued to rise during that time, then we are going nowhere with the airline except that we still have it. It still works somehow, and we are keeping a certain number of people employed. Now, I cannot stand here today and say that the answer is to go forward and purchase new equipment right away and dispose of existing equipment, I am not equipped to do that. But what I am saying is, if in eight years we spend \$50 million the accumulated deficit is not decreasing, the equipment that we are using is ageing very fast then certainly we are almost at the end of the road.

Let us take for example the kind of situation we have occurring: The airline just purchased a third aircraft. Do not forget when we debated in here, those of us who supported vocally guaranteeing the loan for this third aircraft . . . one of the key ingredients when we looked at the picture was to increase revenue for the airline because there is a very obvious need for the airline's ability to operate a freight service in the North American continent. We agreed that the airline could easily operate four freight flights a week and it would generate good income. And that third aircraft could allow for more flexibility with certain schedules, operate as a passenger aircraft, and at the same time be able to operate this freight service.

Do you know what I heard, Mr. Speaker? And the minister will have to answer this: I remember us going through this problem and hearing about some documentation that they couldn't get and all of this type of stuff. The way I understand at present is that the documentation that they have for that aircraft now whenever they have finished doing whatever checks they are doing with it, putting it all back together and getting her (the aircraft) here now, the documentation will not allow for that aircraft to operate the freight service that it was in my estimation bought to do. So, all that it is going to be able to do is operate passenger service again.

Mr. Speaker, if that is the case then somebody has to answer to that kind of decision. I also understand that the technical people advised them not to purchase the said aircraft. I understand the Civil Aviation Authority advised them not to purchase that aircraft.

When we sit here and agree to government guaranteeing a loan, none of us here have the benefit of all that technical knowledge. We have to depend on the minister coming here and saying to us that this is the case, or that's the case, and everything is in order. I think that is a fact.

Mr. Speaker, I am now becoming very, very wary because I don't have the kind of confidence I should have in the decision-making process. I mean, it is not even our money that we are spending here—it's the people's money. I don't know if what I just said is the fact, but it is my understanding that that situation obtains at present. If it is the case, then somebody has to be held accountable for that. All that is going to do with the

age of that aircraft is that we are going to have three 737 aircraft with varying ages.

You know, the other question that the minister needs to answer is: What have those aircraft cost in maintenance? Is the maintenance designed maintenance (that is, the checks that have to be done periodically that they know about), or whether the aircraft simply broke down and they had to do maintenance on it and it was unforeseen circumstances. I want to know, within the past eight years, what each of the aircraft has cost from a maintenance point of view, and I am not talking about the regular maintenance. I am not talking about what staff gets paid to keep them flying. I am talking about down time maintenance.

What I would also like to know, Mr. Speaker, is how much money the airline has had to pay to charter another airline to keep the schedule going whenever one or both of those aircraft have been down. The minister must answer that and add that figure with the \$50 million that the country has spent on Cayman Airways. I would like them to tell me if somehow or the other some better decision-making process cannot go on.

Mr. Speaker, if the maintenance for the aircraft is simply prohibitive, if the length of life of the aircraft is not something that you can make long range plans with, and if the actual subsidy that the country provides for the airline is going to be more like between \$7 million and \$8 million per year, then this cannot continue indefinitely.

I also [heard] about another situation. I understand that two mechanics were hired recently—foreign nationals—to work with Cayman Airways. And they could not be certified by the Civil Aviation Authority because they do not have any time on 737s. Now Cayman Airways has to send them abroad to train them for six months for the Civil Aviation Authority to sign them off as mechanics. But we have had Caymanians working there as mechanics that are not certified, but have hundreds of hours—if not thousands of hours—working with the 737s. Somebody tell me the sense in that.

Now, if my information is skewed then I want the Minister to clear it up.

Mr. Speaker, standing in this forum and talking about Cayman Airways the way I am talking is not for any other reason than to try to do something that is sensible to go forward with the airline. Cayman Airways is near and dear to all of us. There is a purpose for its existence, but I contend that right now we are falling into a mode of being pennywise and pound-foolish. If the minister has the courage to bring back those answers, it will shock us to know the amount of money that is spent. That is of no benefit either to Cayman Airways or the country for its existence in the manner in which it exists. As far as I am concerned, we have gone from one extreme to the other and I truly don't know which one is worse. That is my view.

Mr. Speaker, this business I mentioned about the long serving employees of Cayman Airways, I am not suggesting for Cayman Airways to throw away money, but there is a responsibility that I feel. Just as was mentioned before about all the people with local contracts who get no Contracted Officers' Supplement, and they

get no pension with the government and have served for many years with the government, I believe the same falls true for those people at Cayman Airways. That is not politics either.

Now, whether the airline can afford it is another matter, because it doesn't seem to be able to afford anything. But we still need to look at that and be responsible, at least to know what we are up against if we were going to make an attempt to do something about that because I think it is only fair to those people. Those people have spent (some of them) the better part of their lives working for Cayman Airways under all kinds of adverse conditions and they still hold on there doing the best that they can.

Mr. Speaker, I would like to move on now because it is obvious to me that I won't get an opportunity to speak on as many different topics as I would like to, but, perhaps because I am not the best at putting it together, I may take longer to make some of my points and I don't use the time as wisely as I could. But I do the best that I can.

I am going to deal with education now, Mr. Speaker. The very first thing that I would like to talk about is when the Governor said in his Throne Speech under the Ministry of Education, Aviation and Planning: **"The Ministry intends to continue the National Training Initiative that began as a joint project with the Ministry of Community Development some years ago. A new Training Board will be convened to guide the formulation of a National Training Policy."**

Now, Mr. Speaker, I made a joke before, but I think this is very serious now. If it weren't so costly and taxing on the people and on us, I would almost think that we would be better off having an election every year because we might really get something done then. You see this business about this training policy, Mr. Speaker? I sat here not being in the middle of too many of these arguments, but I have listened to hours and hours wasted on people arguing about who's responsibility this is, and then as soon as that quiets down, it lays dead. But I guess they must have gone through their checklist now and realised that if they don't come up with some stuff that these are the points they are going to get slaughtered on in the elections. And for that, my country suffers.

Here we are in the year 2000, when several initiatives were started. I am not saying that everybody agreed with everything that was done. I am not saying everything was perfect. But we had a lot of false starts with training and two governments later . . . in the last Throne Speech before an election, you hear about a National Training Policy having its genesis.

Mr. Speaker, I know that the government has access to information. And I want to make a point here. Many of us have talked about technical and vocational training. While I don't believe that this training policy is limited to technical and vocational training, I believe that if it ever gets on the move and we are to see tangible results, there will be a huge focus in that area.

Mr. Speaker, there are in excess of 13,000 one-year work permits that were granted and in force as of De-

ember 21, 1999. In the area called trades, technical and skilled, the amount of work permits in that area is just amount half of the entire one-year work permits that had been issued. This is one figure for December 31, 1999, but if anyone goes back and looks at the figures as this government had access to for the past eight years, the proportions would have been the same. There is no sudden change or sudden leaning in the trend. It means that the labour demands in this country in that category is by far the most and the country knows that. But in the year 2000 is when we are going to talk about initiating a National Training Policy? Mr. Speaker, some people would say that the tail is wagging the dog! I would say, this breeds of incompetence—that is what it does.

The Minister of Education was elected to create policy. If he had to depend on his technical staff to create that policy, there is no need for him to exist in government. Their job is to carry it out and make it happen, but if he has to sit and wait for them to create the policy, then they don't need him. You know, Mr. Speaker, we come back to accountability. And I just have to pray for God to give me the strength to listen whenever he (the Minister of Education) comes out to speak because oh Lord, the things that he is going to say to make the excuses now why he doesn't have anything to do with it . . . But anyway . . .

Mr. Speaker, every problem we have in this country can be attached to a problem in the area of education. Every solution that can be found to be real to the problems in this country is going to hinge on our education policy. The answer to the problems is education, education, education.

Education doesn't necessarily mean degrees, and it doesn't mean PhDs. It means people having the ability, the knowledge, and the skills to fit into the society to make positive contributions and to pay their way at a reasonable and acceptable level so that social harmony can remain with the citizens of our society.

So, training . . . elections are coming up and you are going to hear the big boast and the bang about this policy that's being developed—eight years later. It is almost like the 1995 to 1999 Strategic Education Policy that His Excellency the Governor went on to say they had their update in 1999. I am going to tell you something now, the reason why the dates were attached to that policy, 1995 - 1999, meant that it was intended to accomplish what that policy set out within that time, and not a half of it is accomplished. I know that sometimes it puts you in a little funny situation, Mr. Speaker, because I know where you sit. But that is okay. Everybody has to do his or her job, sir.

So, when they had their update . . . that is why it suits the minister to create this type of methodology. What you do when you fail is to simply do an update and you now change it from 1995 to 1999 to 2000 to whatever. But, you still haven't completed what you were supposed to do between 1995 and 1999—not even half of it. But, as he would present it to you, they did their update that means we are doing fine. But is not fine. Mr. Speaker. Again, the minister's job is policy and he must make sure that things are done—he doesn't have to go

and do them but he must make sure that they are done that's how every organisation works.

Do you know the real beauty though, Mr. Speaker? The Governor says under education, **“The Education Department is continuing with the implementation of the Strategic Plan that was developed and approved in 1995, and held its annual update in 1999.”** That is what I just spoke about. Now here is the little nicety that comes in right afterwards, **“Site based planning at all schools is continuing and the last two schools will finish their plans before the end of this school year.”** Does anybody remember what happened during Finance Committee about site based planning?

Now, the Governor makes this wonderful report and he just gets the information from the minister and puts it all together. I know how it works. He says, **“Site based planning at all schools is continuing and the last two schools will finish their plans before the end of this school year.”** Mr. Speaker, if we had not been keen with our eyes and looking very carefully through the estimates, the budget would have been approved and there would have been no funds for site based planning in the budget except a figure of \$24,000 for the George Hicks High School.

I haven't had the courage yet to speak to the head of that school, but I know her and I honestly believe the reason why they put that one in first is because they know how much hell she was going to raise if they didn't do it. They figured they could get away with the rest just to balance the budget. The minister need not tell me (now, he can try it with somebody else) that he didn't know—that is not going to work with me. The point I wish to make is if they were prepared for the budget to be passed without funds being in there for site based planning, then site based planning could not have been important to them. But they are boasting about it in the Throne Speech after we picked up and the diverted funds from somewhere else. You cannot operate a business like that.

Even if what has been said or touted is correct (that they balance the budget without it being there—knowing full well that we would make sure it gets put back) that's worse yet because it is all a game. For that, Mr. Speaker, my country suffers—it does!

No one is saying that this thing is easy. And no one is saying that any one person must have the answers. But the only way that we are going to move forward in this country is if we are open, honest, and willing to dialogue at all times with everyone. That's the only way you are going to have an informed position to take. But, as is usual, some of us think that this information is a prize and no one else must have it. You must have the ability to use it at will and get that advantage, and then when you decide anybody must know anything then you can just leak it out as you please. It cannot continue to be like that. The way I see now (and I have given up all hope elsewhere) is for different bodies to do it because the same bodies are not going to change.

Mr. Speaker, I have only been dealing with just a few areas of education to show up some things. Look at what is going to happen in September again. I know you

have vivid memories of the arguments and cross talk the Minister and I have had about physical space in the schools. For the last six years we have been at it. I have hollered about it. I have argued about it. I have been nice about it, and we have talked well about it, and we still have a problem.

You see, Mr. Speaker, when the Governor mentioned in his Throne Speech about the ever increasing number of students, the Minister too at all times has available to him the trends with regard to immigration and everything else. They have the ability to project the numbers they are going to have. How is it that I can sit on the Backbench and squeeze a little bit of information out and do it for myself? I am no smarter than the average Joe. I know that. I don't pretend that I am. But after continuous talk, you are going to hear that the objections people have to these schools caused these delays. Mr. Speaker, it should not have come to this!

Even when they expand the classrooms in Bodden Town, and even when they build new classrooms in Savannah, and even when they make additions to East End . . . come September, Red Bay Primary is not going to be able to hold the bodies. I don't know how they are going to do it this time. They are probably going to have to take a one-storey classroom, divide it in two (not from top to bottom but from side to side), and the children will probably have to kneel down to learn. That's probably what they will have to do.

West Bay is going to be the same thing and George Town is going to be in problems too. But, you see, the answer is going to be if we had gotten this other school finished that we planned to do in Spotts, it wouldn't be a problem. Mr. Speaker, you cannot operate under crisis all the time like that especially when he (the Minister of Education) knew—they all knew, and for years they have known. Must I now say thank God they are finally getting done and say nothing more? I cannot do that because if you leave them alone, and if they are there next year, they are going to wait until it happens again—history has proven it. You cannot operate like that. It is irresponsible.

They might also say it is easy for me to sit on the backbench and tell them that, as I don't know what it is like. Mr. Speaker, he has his job to do and I have mine. Whatever the good Lord leaves to be my job, I am going to do the best I can with it. But the point I make about it (and I don't want to go into all of the ramifications about the money and all that) . . . When I spoke earlier on about having a medium term financial strategy and a plan with priorities in line, this is the kind of thing that shows up in the lack of planning. Look how many things have been done in the country, and if you asked an entire nation when they understand the problems we have in Education, they would tell you that should have come first.

The government knows what should come first and we know what should come first. Why doesn't it come first? I wouldn't even waste the time this morning (because I am running out of it) to talk about why, because it would not be nice.

Mr. Speaker, the last thing on education that I would like to talk about is the Lighthouse School—the same



Lighthouse School that the minister during his 1996 campaign tried to convince people in this country that I tried to stop him doing until I produced a certain memorandum that he had instructed his Permanent Secretary to send to the Financial Secretary, to advise the Financial Secretary to stop all negotiations with the owners of the Cayman Food Building. They found out who stopped it then. But even with that reprieve in time they have gone on, and now I agree there is no turning back.

Mr. Speaker, that project (because some of us are not prepared to listen to other ideas and I am not for a minute suggesting that every idea I come forward with is the best one) is going to cost somewhere between \$3 million and \$4 million more than it should to get the right end results. I stopped by the Old Cayman Food Building the other day, and they looked like they are lining out the building for construction of the Lighthouse School. I pray to God that there is enough fill around to fill the lake that I see just past where they have lined out because that is what it is. Oh yes! This is the dry season and we haven't had plenty rain, and I don't know what it is going to be like otherwise.

When some of us walked it years ago, when some of us could have gotten six acres right behind filled and ready to build on for \$700,000—no, that's foolishness. So, you buy a building that exists and buy a property of 4.5 acres for \$1.45 million and negotiate to pay 10 per cent interest on it that you have never done before—and hopefully will never again because not even the banks are charging the government 10%—and end up paying \$1.62 million for the building. To build the new building . . . \$213 per square foot. To renovate the old one that existed that the minister insisted was the current thing to do, bearing in mind that the new building is \$213 per square foot, is \$313 per square foot. He should get a knighthood for that!

And, we are concerned about our children's education? That is not what it means to me, Mr. Speaker. I will suffer the pangs of having to listen to him make up the excuses with what I have said about that.

In a nutshell, what I have heard in very recent times regarding education is, thankfully, some effort seemingly have been made to make some in-roads into the problems. I contend that enough of us . . . and he must have had advice during times before now have said and talked about all of these things before. The minister has not acted in a timely fashion to address these problems. Whatever excuse is proffered it cannot justify the inaction because no one in this country would not understand the priority that education has.

The immigration problems that we were talking about earlier on, Mr. Speaker . . . if our education policies and the direction in which we had gone with education—especially in the area of technical and vocational training—had been done from earlier when they knew they should have done it, some of the problems that we have today would not have existed. If we do not have an educated population, social harmony cannot exist, because in today's world your earning power is totally equated to the education that you walk with, whether it be of a technical nature or whether it be that of an aca-

demic nature. It is simple, simple, simple, and we have not looked at it like that.

Mr. Speaker, this country needs a whole new outlook. God has blessed us in many areas, and like most of us, I am eternally grateful to God for those blessings. I am always very grateful for opportunities that I have had in this country. But I feel totally responsible that others like myself must be able to get similar opportunities and it is to that end that we must struggle. We can no longer think that once you get up in the morning and whatever little problem you are going to find, you can take care of it and then you can just continue on and the next morning the same thing . . . it cannot work like that anymore. That's the way we have seemingly dealt with it.

You know, when that same minister is going to get up and boast . . . what is the word he used again? Is it "recurrent profit"?

**Mr. Roy Bodden:** Yes, "recurrent profit."

**Mr. D. Kurt Tibbetts:** When he talks about \$60 million in "recurrent profit," and he gets a flyer and he sends it all over the place just to make people get all excited and say, *'Well, we will vote for him again,'* but today when you examine the results of his tenure—even with that \$60 million "recurrent profit" that he talked about—he has fallen short by miles of what should have been achieved by now.

The big problem is not so much to argue about what's not done that should have been done, Mr. Speaker, it is that the longer you wait to do the things that you should do the harder it gets to do them. We all know that because no existing problem remains stagnant. If it is a problem, then, as time goes on, it becomes more acute. And all he continues to do, Mr. Speaker, is to try to catch up, catch up, and catch up.

Everything that we talked about that isn't right about education, when it gets into crisis he tries to work toward the point where he staves of the crisis. But it continues again and he has to go back to the same thing again. Do you know how it is, Mr. Speaker? Do you remember when we had to go to the well and dig up the water? I am going to tell you how it is. Thank God, I just thought of it and it is perfect—the parallel is perfect.

Imagine yourself with a bucket with a hole in it. And you had to walk about a quarter of a mile down to the well from out of the back door in the kitchen to dip up a bucket of water with a hole in it. You leave the kitchen and go to the well. You dip up the bucket of water, and by the time you get back to the kitchen all the water leaked out and you have to go back again. You stay just like that instead of fixing the bucket—that's what it is like.

Mr. Speaker, the country needs leadership. It needs people who are prepared to utilise all avenues to make things work better. You see, Mr. Speaker, what we have grown into is a situation where if government is seemingly going to make a certain decision and some people don't like that decision then you hear a hew and a cry. We need to think things through. We cannot continue to operate how we have been operating . . . and not only think things through but if you utilise the resources and

the brainpower and the willingness of the people in your country (because they trust that your wanting to move forward is in a manner that will benefit all), utilise them and they are happy to participate in the process.

You know, Mr. Speaker, if there is only one parking space out there and there are three cars, and the three of us drive up at the same time and nobody is really prepared to be the gentleman about it, we are going to have a big fight. But if we can stop and say, *'Listen, there is only one space and we are going to be here for only five days and the best way for us to do it is to alternate it so that everybody gets a time in the space'* and if we know that we don't have a choice, we will agree to that.

So, that's the way we need to be thinking. We need to be looking at the big picture for government to function. We need to understand the social problems that are emerging from our society. We need to be prepared to make the medium- and long-term decisions that will overturn those problems. It is not like we don't have to be working at it all the time, but many of the problems that we are beginning to face today do not have quick-fix answers. The sooner we come to grips with that, the better.

We can employ short-term measures to try and do damage control, but any meaningful answers for many of them are going to be long-term or at least medium term measures to bring about any reasonable results.

I was almost tempted to ask you to move Standing Orders to give me another hour, but I decided against it because I didn't want to try to set precedence and I didn't want anybody to feel that I wanted to hug up the show. But I am going to tell you something, Mr. Speaker: The immigration problem, the first thing that needs to happen in my view is the entire population needs to understand all of the facts. They need to understand the figures that we are dealing with.

When I spoke on Monday, I dealt with it a little bit. We cannot make decisions that will have far reaching ramifications for this country just based on insular thoughts. The interim report that has been done, of which all of us were members of the committee, is simply just that—an interim report. It displays views that have been expressed from within us, some of which are mine that I agree with. But the important thing about all of that is (and we need to be talking serious language) that we cannot take politics into this. Our very future depends on how we tailor the immigration policy from here on in, which will decide how the society is made up in years to come. That's the bottom line regardless of who says what. If we don't want to decide how we want our society made up in years to come, then we can leave it alone and whatever happens, happens—take the good with the bad. But I am not prepared to do that. Not me! I don't have any fixed ideas, Mr. Speaker, that I cannot listen to anyone else. I am not like that. But what I refuse to do and the reason why I talk about it today again before the time runs out is because if you leave it alone the government is going to do nothing. I am telling them that plain and straight. If we leave it alone, the Government will do nothing.

**Mr. Roy Bodden:** True, true!

**Mr. D. Kurt Tibbetts:** We cannot afford that as a country. This is much too serious to play politics with. And if they want to sit by the sideline and wait to see who sticks his neck out and gets it cut off to decide on what positions to take on a popularity basis, they can do so. I am not doing it. I don't care what happens to me because I am going to deal with it from the point of view of pure total honesty to the public of this country. It is much better to be right—at all times it is better to be right—than to seek popularity.

Mr. Speaker, the people in this country are not idiots. But they need to have the facts before them for them to make up their minds. The statement that the government made about we are hear to listen Mr. Speaker, that too they don't have a monopoly on. I listen all the time. When they don't, we are here to listen too. But what they didn't address is that their obligation as representatives of the people . . . it is their responsibility just as much as it is ours to explain to the people what we are up against because not everybody understands. Not just ability—I am not talking ability. Not everybody has access to all of the information from which one might be able to make certain determinations.

Our job is to make sure that the public understands exactly what we are talking about. And there are some things in the interim report which (because that's what it is and it doesn't give the full explanation behind it) the public is worried about. I am confident that once we explain the facts to the public and hear what the public has to say, we can make sensible decisions that will move us forward—decisions that should have been made many years ago, decisions that this government for two terms refused to address.

Some of them might laugh now and figure, *'Oh boy, he is putting himself in trouble now.'* Mr. Speaker, if I have to live in fear as a representative of the people of this country, that I cannot engage in dialogue with them and take from them things that will make my decisions better, and that they are not prepared to listen to anything I have to say, then I may as well go home. I cannot live as a representative fearful of every little thing I do. What I must be able to do is to justify any decision that I make and make sure that I make that decision from an informed position—that's what I must do.

**Mr. Roy Bodden:** Preach, brother, preach!

**Mr. D. Kurt Tibbetts:** The government, in my humble estimation, has failed to do that on too many occasions. Mr. Speaker, there are a few minutes left and I would like to say that education in this country has to take the position that it should be now, that's first place. It has not been the case.

Our immigration situation is one we have to deal with immediately. The decisions that might be made presently do not mean that if you try something and two years down the line you realise that you have to make readjustments based on facts that prevail—it doesn't mean that you cannot do that. You try to get it as right as you can, but you cannot live in fear of not getting it perfect and do nothing.

Mr. Speaker, regardless of what the government thinks about me, I am not going to sit here and leave them alone to wait until after the elections to deal with this matter. They will not have that luxury, Mr. Speaker. They will not! If we have to bring private member's motions, they will come. Trust me! It must be dealt with. Everybody, whether he or she is a Caymanian or has been living here for five to 15 years, must be able to get all of the information and must be made to understand exactly what is happening so that we can make serious and clear decisions. We don't know about tomorrow, but we know what we have now and we have to deal with it and that's the only way we can plan our tomorrow, Mr. Speaker, so we have to deal with that.

We have to look into the public service to deal with succession planning for our civil servants. We have to deal with human resource management and our investment in human capital in order to create efficiencies in Government, in order to achieve the financial management reforms that we need to do. If we are only getting a value of 65 cents to the dollar, Mr. Speaker, we must be able to do better than that. If we look at every budget that we are doing, we find that our recurrent revenue position is coming closer and closer to where recurrent expenditure is almost the same thing. That's is not a good position to be in. We cannot work towards that. We have to work towards that not happening.

Mr. Speaker, we have to create a country where there is little to no chance of any social problems because the way our economy is built anything like that happening in this country is a total ruin—never to come back. I won't even talk about looking around us at the examples. Enough of us know enough about that now. Enough of us have seen enough here to know that we must ensure it stops. And you don't stop that by putting a gun to somebody's head and telling him or her to stop. You stop that by creating a society where people have neither the need nor the desire to be deviant—that's how you prevent it.

You could get 4,000 police but that is only a short-term solution. That is how we need to be thinking in our country, Mr. Speaker, and every one of us has a responsibility to do that. I just pray to God that we have the staying power. I really do. I am not suggesting it is going to be easy. But I tell you that I am never going to be one who is satisfied with anything being swept under the carpet because it can wait until the next time around until it erupts in front of us again. I never believed in that. I hope that before I allow myself to be part and parcel of this process and allow that to happen knowingly, that I would have the sense to walk from it and go home. Because that would be an injustice to the people who have displayed confidence in me. That is my feeling.

Mr. Speaker, with regard to the government, I can only say that I will continue to be what I have been as a Member of this backbench and I do the best I can to be able to work along with them in whatever we have to. But they must not expect me not to do my job because I am going to do that. If I ever found the day, Mr. Speaker, where the situation was reversed, they must do their job (or whoever is here must do his job) because that's the

nature of the system that we have. And, from it we must get the results that we need to make the country move forward in a positive way.

I think that if we made the right approaches, the civil service by and large can become a more productive civil service, a better tooled civil service, and a civil service that feels a little bit better about themselves (not that they shouldn't feel good about themselves at present). I think we need to create the marriages in the private sector with the public sector to utilise the resources that are out there.

The Third Elected Member for George Town has been chiming about new sources of revenue and broadening the revenue base, there is much merit in that thought, Mr. Speaker, because we are not going to be able to continue the way we are now. I am not so sure that we can plan for the next 15 or 20 years for the rate of growth of the economy in this country to follow the same vein that it has been. I am not so sure about that so we have to create efficiencies.

I have every intention (as long as I am here) to do the best I can; to be the check and balance for the government even though they will now have to get up and defend themselves. Let them do that. I don't have a problem with that, but let the truth be known. Let not the whining start, let not the sympathy play start—we don't have any time for that anymore. Come out (the government) and talk some good sense and tell us what you are going to do and tell us why you didn't do what you didn't do. That's what we want to hear. I am sure that there are others who are quite prepared to continue and my time is nearly up. There are a few things that I would have liked to say, but it makes no sense to start because I will get into the middle and not finish. I think, that is worse than not starting at all. But, God willing, there will be other opportunities.

I trust the government will get up and expand on their policies that have been put forward in the Throne Speech. I hope the Minister of Education answers the questions that I asked him. If he does not, I am going to find other means to ask the questions so that every morning when he gets up it is going to stare him in the face. He must answer them. Perhaps, when the truth is known about that and other things we might be able to find methods by which we can go forward.

Some of my colleagues on the backbench have spoken, some haven't. I am certain that they will, but I think they all concur that as we move forward into the election year, we are going to be presenting policies to the country that we believe should be the way forward for the country. And, as we do our best to do that we will simply see which way the country wants to go because certainly, Mr. Speaker, the people will have a choice.

Thank you.

**The Speaker:** At this time we shall suspend proceedings for fifteen minutes.

**PROCEEDINGS SUSPENDED AT 11.37 AM**

**PROCEEDINGS RESUMED AT 12.05 PM**

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on the Throne Speech. The floor is open to debate. Does any other member wish to speak? The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker. May I open my contribution to the Throne Speech by firstly congratulating His Excellency the Governor on a fine delivery of his first Throne Speech which indeed signals the opening and the first meeting of this new session of the Legislative Assembly for the year 2000.

Also, Mr. Speaker, may I take this opportunity to congratulate you on the latitude you have given to all Honourable members who have thus far debated this speech. I feel that this is only appropriate concerning the high importance of this occasion.

The Throne Speech in many respects is similar to the State of the Union Address delivered by successive presidents of the United States, as it sets out the plans and policies of the Government for the ensuing year. It is, in fact, the Government's Throne Speech and not really, in my opinion, the Governor's Throne Speech. But before continuing, I am disturbed by certain news of national importance that I feel I should pause at this point to mention.

This morning I heard disturbing news on CITN that one of the airplanes, I think it was Cayman Airways, had to circle the airport for about twenty minutes because no lights were on the airport. Also, it was said that there were no Traffic Control Officers to bring that plane in. It was also mentioned that this information was confirmed by the Managing Director, Mr. Mark Winders, of Cayman Airways. If this is indeed correct, I feel that this Honourable House should be told the details of that incident and that urgent action should be taken against all individuals responsible for that situation.

Mr. Speaker, this is a very serious and dangerous situation. What would have happened if that plane had only ten minutes of fuel on board? Would the carelessness (if it was that) of the individuals involved had been taken as seriously at this point as I am portraying? Would the Managing Director or the Director of Civil Aviation have a valid reason or excuse for no Traffic Control Officers being available?

Why weren't the lights left on when the Civil Aviation had to know that a plane was due to land? Why were no Traffic Control Officers available?

Mr. Speaker, I know that the Minister responsible for Civil Aviation is in the next room. I would be quite prepared to take my seat at this point to allow him to clear up this issue because it is that important. Mr. Speaker, this is no less (if it is correct) than sheer slackness. We cannot have that sort of a situation existing. It is no wonder that we are having problems at that level.

Mr. Speaker, I had intended to bring this matter more formally at the adjournment, but I feel that it is so important that if the Honourable Minister would wish me to take my seat so that he could clear up this matter at this point, I would be more than happy to do so.

Since it seems that the minister is not available, I hope that he will take the opportunity to make a statement on this as early as possible.

Mr. Speaker, I think that the Minister would like to make a comment on what I just said.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddin:** Mr. Speaker, I actually mentioned to some of the members here . . . I am really sitting in the conference room, obviously listening or I wouldn't be in here now trying to deal with some serious problems because the country needs to continue to be run even though we are sitting down here.

What I have also done is that I have put through a call, which I could not do in the Chamber. I would have had to have gone out anyhow to Mr. Richard Smith, who is the Director of Civil Aviation Authority. I hope, sir, to have for the Honourable Member who is speaking . . . to have something, or as soon as I have it, I would let him know, sir, and whenever it is convenient for him, then, by all means, if he wishes I would interject.

I must say sir, with respect, if I could ask you to release me as I am listening to what the Honourable Member is saying but I have four management people in the conference room and I really need to try to continue with that. But I undertake to the Honourable Member that I am listening otherwise, as he knows, I wouldn't be in here now and I would not have made the call to Mr. Smith, which I understand has already been done from the ministry anyhow, so I should have it today, sir.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker. I wish to thank the Honourable Minister for taking time from the meeting that he is now involved in to comment on this very important issue.

Mr. Speaker, by the comment the Honourable Minister has made it would seem that the news release that I heard this morning is indeed correct, as he made no attempt to correct anything that I said. I am also happy with the undertaking that he has given that he will indeed be looking into this matter. He will be calling the Director of the Civil Aviation Authority, Mr. Richard Smith, to get the facts in this matter. But I am hoping that it will not be allowed to just be pushed under the carpet, but that, if necessary, those responsible will be pulled over the carpet because this is indeed a very serious situation.

As I said earlier, Mr. Speaker, we could have been today mourning the loss of a number of people if something had gone wrong at that airport. It should not be allowed to ever happen again.

Mr. Speaker, a number of the previous speakers have debated this Throne Speech in detail. I am sure that others will do likewise, because it would be remiss of any elected member not to take the opportunity to speak on this Throne Speech considering the many areas that were touched on by His Excellency, and considering, as I

said earlier, that it is the plan and policy of the country for the ensuing year especially now that we are in the middle of an election year.

Whilst I will quickly say that I do not encourage that the Throne Speech be used just for mere political posturing, I do feel that with the many questions now unanswered that politicians incumbents should let the people know exactly where they stand. We talk about freedom of information. We talk about leadership—let our people know exactly where we stand and on whatever issues, whether those issues are popular or unpopular. They need to know the truth.

Mr. Speaker, whilst all areas of the Throne Speech were important and appropriate to our situation in the Cayman Islands, of greatest interest to me was the broad area dealing with the social and economic conditions of the country. Under the socio-economic conditions, I will broadly speak on various issues as I think that those issues are very important and are apropos to the issues raised in the Throne Speech.

From listening to a recent forum of *Issues 27*, I am also convinced that a number of individuals, especially the young people of these islands, are waiting to hear what their representatives, or any politician that decides to come out during this year, will be putting forward as key issues facing these islands. It is not enough for individuals to say, 'yes, I plan to run.' They should tell the people exactly what they see as the key issues facing these islands.

I would also like to take this opportunity to thank CITN, the *Caymanian Compass* and the other news media for the wonderful job they are doing in keeping the people of these islands and the broader community, even overseas, informed of developments in these islands.

Perhaps, one of the most learned and best read individuals that we have in this assembly is my good colleague the Third Elected for Bodden Town. It was interesting that the very article he quoted from in the *Economist*, was the one that I had made notes from as regards not only OECD but also other areas pertaining to and affecting the future of these islands.

Mr. Speaker, the buzz word around the Cayman Islands, the United States, Europe, and Asia . . . and every time you turn on CNN the first word we hear is "reforms." The Republican candidates are trying to out-fox each other as to who have the best reforms and who are imitating whom. The Democratic candidates in the United States during this political phase also tout their reforms and even in Cayman, we have government talking about reforms. I am seeing more talk than action in many areas in Cayman, and I will deal with this.

In Cayman, we are hearing about financial reforms, government reinvention reforms, freedom of information reforms, and of course, the major reforms suggested and proposed under Vision 2008.

It was, therefore, most refreshing to see the forward progressive thinking of His Excellency the Governor and the position he took in his first Throne Speech, which was delivered on Friday, 18 February. I was a little disappointed that a few topical and important questions and

issues were not included in the Throne Speech (this is my opinion), such as the progress being made on the White Paper. With such an important issue before this country why were comments not made on that important issue?

Mr. Speaker, it is important that this matter is kept constantly in the eyes and ears of the wider public, especially now with the situation we see unfolding in the UK as regards their participation in OECD, the Financial Action Task Force (FATF), the European Union (EU), G-7 and other major groups. What will it mean to our people if we accept any or all of the recommendations and suggestions within the White Paper? This is why I feel that an issue of such high national importance should have been commented on in this most important speech.

What would happen (and this is a rhetorical question) if we indeed decided that we were going to accept citizenship of the UK? I heard that question raised last night on a television programme. Could it mean that if we are members and citizens of the UK that we will have to do the same as the average UK citizens living in the UK are expected to do? If this is the case, what will be our bargaining powers as we enter into talks with the OECD, the FATF and other groups with which we are talking at present? Will we be given special status, special treatment because we are UK citizens living in the Cayman Islands?

These are issues that we need to be addressing. Many of us talk about the situation with the homosexuality. And that is a serious situation, but I have contended and will continue to say that the two most important issues under the White Paper are the issue of citizenship and the issue of our financial situation—the initiatives that we will have to negotiate with the UK, United States and the other countries directly or indirectly connected with the OECD, FATF and other major bodies.

Mr. Speaker, I alluded to the *Issues 27* programme last Thursday which dealt with some major issues concerning the candidates for the upcoming election. One of my good colleagues once said (a gentleman that I have a lot of respect for and I consider him perhaps one of the best politicians on this island) "you have to be fish or fowl." Mr. Speaker, that is correct. We cannot be telling the public one thing when in our hearts we are hoping and wishing for something else.

One of the major issues that came out of that *Issues 27* programme was the lack of leadership. But if any of us on this side of the House are aspiring to fill those important chairs across the aisle, it is important that we deal with this issue. It is not enough for us to be critical of the elected members of Executive Council, we must tell them and tell the public exactly where we feel they are lacking.

The panellists on this *Issues 27* programme were very articulate in the issues that they spoke on. I would congratulate each one of them, in particular Mr. Charles Glidden for the wonderful job he did in chairing that panel. Also, Mr. George Ebanks, Mrs. Mary Lawrence, Mr. Craig Merren, and Mrs. Theresa Lewis-Pitcairn for their contributions on this important issue.

One speaker said that the country is at a crossroad. But what I heard echoed not only by the panellists but by those calling in was the need for leadership. Mr. Speaker, we have all Chiefs and no Indians. If we had a more disciplined system in this House . . . and I am not just blaming the current government because this has gone on successively from government to government. Mr. Speaker, the public is constantly frightened when an election time comes if the question of leadership is brought up.

There are individuals that will deliberately go out and tell the public that if you put one of your own Caymanians as the Chief among equals, that that person is going to destroy the country. But do you know what it is, Mr. Speaker? It's the lack of respect for our own people because if we brought somebody in from Little Cayman . . . as long as he comes in here with an accent, we would accept that person for any position. But we feel that our own people are going to destroy our country. We cannot find one individual . . . I can look over there now and either one of the three elected members sitting there could be chief among equals—either one of them!

Mr. Speaker, on this side of the House, we have all leaders so I don't have a problem with finding somebody from this side!

Mr. Speaker, why is it that we are not telling our people the truth about this situation? Somebody said to me, "Linford, you shouldn't speak on that because you know how the people out there feels about it, it's election time, you should be careful not to speak about it."

Mr. Speaker, my motto is tell the truth, because when you tell the truth you don't even have to remember what you said because it will always be the truth. It is only when you lie that you have to worry about things. The truth is that these islands would be better served if we had a proper system, if we had better discipline in this House.

Mr. Speaker, with choosing a leader, whether you want to call that person a Chief Minister or whatever, you need somebody that can be held responsible for the actions of your government—

**Mr. Roy Boddén:** Hear, hear!

*[Members: Clapping on desk]*

**Mr. Linford A. Pierson:** But with that, Mr. Speaker, you need to have proper discipline, and that discipline will come out of a proper party system.

People might say, 'Well, Linford, you are talking about this and remember election is in November and this could be held against you.' When I listened to that *Issues 27* programme I believe the people were saying that we want people that we can hold accountable; we want leadership in the country and it's time that we faced up to that and stopped going out there frightening people to death telling them that if they have a leader in their country that everything is going to go down the drain. I have never been so embarrassed.

When I go on some of these conferences abroad and the chief ministers of various areas are asked to as-

semble, and we tell them we have the equivalent—what is the equivalent? Then we find out that they regard our Leader of Government Business as the equivalent of their Chief Minister. I must say, Mr. Speaker, giving the gentleman his due, when the Leader of Government Business is abroad at the meetings I have been to, he has well represented these islands. But that is not the point. The point is that we are here telling the people that proper official leadership is bad for the country; yet, the UK, the Foreign and Commonwealth Office and other areas are recognising the Leader of Government Business as the de facto Chief Minister.

*[Members: That's right!]*

**Mr. Linford A. Pierson:** So, what is so bad about that?

Why don't we have a serious look at our Constitution, talk to the people and find out exactly how they feel about the situation?

In addition, Mr. Speaker, if we had an official party system . . . and speaking of that, I am never so embarrassed as when I am on these conferences and somebody asks, "What party do you belong to?"

I have to start by saying, "Well you know, I ran with the Democratic Alliance . . ."

"No, what party do you belong to?" That's the question the person will ask.

It is most embarrassing. We have an antiquated system. I am there telling them we have teams and they look at me like I am crazy! "Teams? What are teams?"

"Well," I said, "we have Team Cayman, the National Team and the Democratic Alliance Team."

Mr. Speaker, we need to get better organised and more disciplined. We need to have something like, perhaps the Democratic Progressive Labour Party or whatever, so that we know that we are talking about a party system. With that party system, Mr. Speaker—and I am prepared to say this on the political platform so that the people can be educated on this issue. We have to stop being afraid. I cannot run for the November election if I am going there feeling afraid of my people. I am representing my people and if they say to me, 'We do not want you to do so and so . . . ' then I will not do it. But, at least, give them the opportunity to tell us what they want us to do.

With a party system, we could save half of the time that we are spending in this House. What you would have happening on an issue like the Throne Speech is that nobody would have to try to outfox the other. What is happening now is that each one of us feels that we had better get up and say something. We are almost like all independents in this House. But, with a party system, the Chief Minister would speak on behalf of government and the Leader of the Opposition would speak on behalf of the opposition and we would cut the time that we are spending in this House in two.

They also try to frighten the public by telling them that if you have a Chief Minister he is going to be too powerful. Mr. Speaker, that is rubbish. The Chief Minister is only as powerful as the people who have put him in the position will allow him to be. If he does not toe the

line, he can be removed like anybody else. He will have to carry out the wishes of the majority. That is what it is all about, Mr. Speaker, and our representatives should stop frightening the people telling them that if they get a Chief Minister it means we are going independent. What rubbish!

Many of our brothers and sisters that are still Overseas Territories—Bermuda, the BVI, Turks and Caicos, just to name a few—have had proper party systems and their Chief Ministers have been in place for years, and yet they are not independent. All the independence that we need in the Cayman Islands we already have, and that is financial and economic independence.

Mr. Speaker, we do not need any constitutional independence because it would destroy this country. And for any Member to get up in this House and intimate that his colleagues are seeking that sort of thing is downright mischievous, because they know better. I respect my colleagues too much to even think that they would be thinking in that direction but what we need is to have more respect for our fellowmen for their abilities.

Mr. Speaker, we are the fifth largest financial centre in the world, yet we have the most backward political structure of all of the Overseas Territories. We need to give more respect to our fellowmen, our own Caymanians. Some of the biggest problems our Caymanians are having today are not with the expatriates but it is with our own people. We need to put give more respect to our people. We need to be able to say, *'Yes, we have matured to the point where we can find one person amongst our group that can speak for us.'* I call that chief among equals, or first among equals.

Mr. Speaker, do you know what is true? Nobody wants to come out and say anything about it because they fear that some other group will go out there and paint such a dark picture that they stand a chance of losing the election. But, if you ask them how they feel deep in their hearts, they will tell you that the time is long past when we should be restructuring our political system. But they will also say, *'Boy, I am not going to be the one to go out there and say it.'* What hypocrisy!

We need to be truthful and let the people know what is in their best interest as far as you are concerned, and they can make a decision whether you are correct or whether you are wrong. Knowing my people as I do, they will not hesitate to tell you if they feel that you are going wrong.

Mr. Speaker, I think it would be a stealthy way of doing it, if nothing is said until after an election, and the first week after being sworn in, you push it down the throats of the people. It cannot work like that.

**Mr. W. McKeeva Bush:** It cannot work like that. Let's clear it up now!

**Mr. Linford A. Pierson:** We must be honest and tell them exactly where we want to go.

Mr. Speaker, I am of the view that there are not many out there that will fault us if they feel that what we are doing is in the best interest of the country.

**Mr. W. McKeeva Bush:** And, tell them where we want to go.

**Mr. Linford A. Pierson:** Mr. Speaker, I feel that it is so important that ministers, especially the Chief Minister, would also have a certain amount of administrative responsibility.

Earlier I alluded to the situation at the airport, the Civil Aviation Department, but the truth is that even though it is a statutory body the minister responsible has very little administrative authority over what happens there. The same thing applies to other elected ministers—if something goes wrong in their portfolios they have to rely on the goodness of the hearts of the people in the Personnel Department as to what action they would take.

I remember once when I was minister, I had just completed the West Shore Centre Post Office. People were asking, pounding me for post boxes and there we had a number of post boxes available for rent but yet administratively the decision was taken that unless those people where living in George Town they couldn't get a box. Mr. Speaker, I called my Permanent Secretary in and I said please look into this problem. He came back to me and said that the person in charge said that was the policy she had agreed on, and that was it. I remember getting so frustrated that I took it to Executive Council, only to be asked if I was not over-reacting, and that was the end of it. Yet, I was being blamed for not providing the facility that was needed by the general public, by providing the necessary post boxes.

Mr. Speaker, that is happening right throughout. I remember when I built a certain road in George Town, one of my good friends on the Opposition got up and really peppered me. I still love him to death, but he really peppered me and I couldn't do anything about it. I remember that Member getting up and saying, *'Mr. Speaker, this is the most expensive road in the world!'* And he was almost right! *[Laughter]* But there was nothing that I could do about it. All I could do was to call in the heads of the department and plead with them, *'Please see if you can build the road a little cheaper. Do you need all of these sort of elaborate things that you are doing?'*

Now, Mr. Speaker, that person faces the same problem building the most expensive schools ever! *[Laughter]*

This is nothing against my official friends across the way. I am talking about a system. The official members even (though they are members of Executive Council) have a little bit more latitude. And you will find that the elected members, even though they are being held responsible for their portfolios, do not have the authority to get anything done.

Then, Mr. Speaker, if we know that our public expects a certain performance from us, why are we so afraid to examine ways and means of improving the system? If that improvement means that we should have a full ministerial system with one individual who will be called first among equals, the Chief Minister, with a proper disciplined party system, why won't we examine

the pros and cons of such a situation? Why are we so happy to say, *'Boy, let's leave it alone. Let's remain with the status quo because that is the safe way to go'*? We are afraid that the people out there might not elect us if we speak about it publicly, and, as a result, some of them are happy to leave it alone because there is really no accountability under this present system.

Mr. Speaker, the time has come . . . and I am not here pushing for any particular system because I (and believe me, I say this with all honesty), the Third Elected Member for George Town, am not interested in the position of Chief Minister—even though I feel I could fill it as admirably as any other Member. I am not interested. But I would support the right person for such a position because I believe that it would be in the best interest of this country.

I know that I have spoken at length on this particular issue, but it is something that is near and dear to me. We are complaining, the civil service is complaining, about the present system. Some people are saying that even where the Governor is concerned they feel that too much authority is at that level. But the Governor is only exercising his duties under the Constitution. If you read the Constitution (not you particularly, Mr. Speaker, this is generic) . . . if any of us read the Constitution we will see what the Governor's responsibilities are under the Constitution, and that he is carrying out those responsibilities. We cannot blame him. We have to be more introspective. We have to look at ourselves and decide on what we are willing to accept and what we are willing to do to improve the system.

Mr. Speaker, I now plan to move on to a new subject, if you wish to take the break.

**The Speaker:** If you have finished, yes. We will suspend proceedings until 2.15 p.m.

#### PROCEEDINGS SUSPENDED AT 12.52 PM

#### PROCEEDINGS RESUMED AT 2.41 PM

**The Chairman:** Proceedings are resumed. Debate continuing. The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Mr. Speaker, when we took the break I was speaking on the very important subject of the perceived lack of leadership in our government. I qualified that statement by saying that it was not directly pointed to any particular government, indeed not directly at this government, but this has been problem with successive governments.

Mr. Speaker, I would now like to turn my attention to the vexing subject of the immigration system. But, before doing so, I wish to reiterate that an improvement in our political structure in the Cayman Islands can only augur for good. It will not destroy things, as some politicians would have people think; it will only improve the efficiency and good governance in these islands.

Mr. Speaker, whilst it is not my intention to debate the recent report on immigration, I would like to generally speak on one small aspect of it. Before doing so, I think it

would be remiss of me in dealing with the immigration problem if I ignored some of the problems I have seen within our community that have been caused through the insensitivity of some of the people brought here on work permits, and even, as far as that goes, some of them that have had the good fortune of obtaining the grant of Caymanian status.

I specifically refer to the unfortunate letter that appeared in the *Caymanian Compass* of 12 January, this year, written by Mr. Douglas Calder. Whilst it is not my intention to open up this subject unnecessarily, I feel that this is such an important issue that it deserves some comment. Whilst Mr. Calder had the guts to append his name to a letter stating the way he felt about Caymanians, there are a number of expatriates in this country in a similar position to him who act and feel the same way.

Mr. Speaker, there is an old saying, "When in Rome do as the Romans." Basically that means that you don't leave your country and go to a new country and try to voice your culture and views on the people of that country. Though it is true that people like Mr. Calder have lived here for many years (he said from 1969), and have received the coveted Caymanian status, he is as English as the day he came here! That is not to berate the English, because I was fortunate to live in the country for four years where I got my education. In addition to getting an education there, I learned a lot about the culture also.

Mr. Speaker, one of the most dangerous issues facing these islands is the dichotomy and separation being caused through this same attitude being displayed towards local Caymanians. We see this in all aspects of our lives—we see this in the workplace, we see this in the churches and even on social occasions, it is rampant. I know many of my fellow Caymanians are even afraid to attend cocktail parties because they are treated like foreigners in their own country.

Mr. Speaker, if we are to continue the smooth and harmonious running of these islands and live together in peace and harmony, this condescending attitude has to change. There are individuals that come to these islands who feel, because they are flying from some other country, that that gives them the right to treat the local people with disdain. There are certain expatriates that feel that Caymanians are all stupid and they don't have any valid ideas. That attitude, Mr. Speaker, has to change.

The Caymanian society is a very open, loving and giving society. The people of this country are often lauded and congratulated for being some of the nicest people in the world. But, like every other country and every other nationality, they too have their limit and threshold.

Mr. Speaker, in the same way that we open our arms to these people that come here to work with us, we try to welcome them, they should also show due respect to us when they come here.

Some of the attitudes we see being reflected are attitudes of arrogance and condescension. I have seen it at all levels, and even at the government level you find some of these employees who are brought in from abroad by the mere fact that they have a different nationality, acting as if that gives them a superiority and



intelligence. That is not the case, Mr. Speaker. Some of our Caymanians are as intelligent—or more so—than a lot of these people that come in here to work. They are not doing us any special favours.

Granted, fifteen to thirty years ago it was necessary to offer an inducement to get people to come here. But that situation has long passed. Very few come in here on work permits, regardless of where they are coming from, who want to leave when their work permit is up. Mr. Speaker, there is nothing wrong with that. What is wrong is this superior attitude being displayed by these individuals. That must cease if we are to continue as a harmonious society.

What is happening, Mr. speaker is that those attitudes are only serving to polarise and inflame the social discontent that now exists in these islands. What is also bad is that even within our own civil service it is understood that this arrogance and this condescension is rampant. I have been told that expatriates are being brought into this island with lesser qualifications than some of our own Caymanians, yet they are given more salary and bigger positions. That is not right and it must stop.

So, Mr. Speaker, my advice to people like the Calders and the A. D. Taylors in the Cayman Islands would be to show due respect to the Caymanian people. If we took a poll tomorrow, it would reflect the high esteem in which Mr. Alden McLaughlin is held in these islands. I want to congratulate people like him for speaking out in favour of the Caymanian people. It is not only Mr. McLaughlin who recognises that there is a problem within the succession planning of government and the private sector, but many of the representatives in this very House have also voiced their concern about this issue.

Mr. Speaker, I trust that this unfortunate incident that Mr. Calder's letter caused will be a lesson for all those out there who may have this superior feeling that they are God's gift to the Cayman Islands. Mr. Speaker, much of the problem is caused through our own people because there are some of us that feel that our own people cannot do a job as well as the expatriates. But as long as he comes in on a plane (as I said this morning it could be from Little Cayman), by virtue of flying in here with a different accent makes him a superior individual with superior knowledge. I feel very strongly about this issue. The reason I feel strongly about it is that I really do not want to see it destroy these islands. I do not want to see it polarise our people, and I would ask that it stop.

In the same way that we have a very tolerant attitude towards all people coming here . . . one only has to go down on the waterfront and then you will see the tolerance of Caymanians—tourists walking all over the place in the front of cars . . . Caymanians are a very tolerant and loving people. But we don't like to be trampled under foot. I would ask that the respect that we give is reciprocated, otherwise it could create an unwholesome situation.

Mr. Speaker, the whole question of immigration is a touchy subject and one that most governments deal with very delicately. Thus the reason why it has taken so long

to even get a report from the select committee that has been established to look into this matter. It is not my intention to debate this report as it is not now before the House for that purpose, I will reserve that for another time. But, Mr. Speaker, I think it is my responsibility to comment on the concern that is being caused, perhaps through misunderstanding, on the question of work permits for the future.

I do not believe that it is the intention of this honourable House and its members to create a situation that is untenable, or one that would tend to destroy the future of this country. Thus I do not believe that it is in the best interest of this country that we should have a maximum non-discretionary five-year term on work permits. I see the reasoning behind this, but the good reasoning behind this can be the very cause of the reason for even looking closer at it because it could prove the destruction of a number of our locally owned businesses.

Also, I fully recognise that the advancement and protection of the Caymanian people in the workplace was the primary consideration on the question of the five-year permit. I believe I differ slightly with some of my colleagues, but I am sure they will understand that I am expressing my view on this. It is my view that a maximum non-discretionary five-year term is much too restrictive and that it could do irreparable damage to many local businesses. As a matter of fact, some of the businesses would be forced to lose some of their key employees.

Worse still, Mr. Speaker, such a policy would prevent these islands from attracting the best calibre of permit holders to these islands. Somebody comes here on five years, they would say, *'I am only here for five years, why should I bother. I am not going to even buy real estate. Why should I bother about training somebody if I am only here for five years?'* Mr. Speaker, let me quickly say that against that background is the danger of continuity of tenure. This is what this five-year term is trying to address: that people are not allowed to get too much of a strong foothold in the territory because as my good friend the First Elected Member for George Town said this morning, there are over 13,000 people now on work permits.

We have to be extremely careful in balancing this whole issue. But as the old saying goes, we cannot throw the baby out with the bath water; we have to be extremely careful. If we have a good employee in our service then it is going to be very difficult for us to perhaps replace that person with somebody of equal qualification and calibre.

Mr. Speaker, there has to be another way for us dealing with this issue. The reason that I have commented on this is that up to midday when I had lunch with some folks, the same subject came up—they are very concerned that this particular issue could drive business away from the Cayman Islands.

You know in this connection, Mr. Speaker, we have to look at both sides of the coin. When we say we have 13,000 people on work permits, we are looking at the effect of economic growth. The reason we have these numbers of people on work permit is because there is a demand, and this demand is fuelled through economic

growth. Not only is the demand in the private sector but in government alike. I have heard a number of people saying, *'let us slow down economic growth'* but I wonder if they give a lot of thought to what would happen to these islands when we start turning away investment.

**Mr. Roy Bodden:** True! Mash it up, as they say.

**Mr. Linford A. Pierson:** I remember 1988 to 1992 when I served as a Member of Executive Council (it is now called "Minister"). It was one of the periods that we had the biggest recession in these islands caused through the recession in the United States. It was at that period when the unemployment rate went up to almost 1,000 people in these islands, notwithstanding all efforts made by government to keep the economy going through capital development. Yet, there are some that are calling to slow down the economy without first weighing the pros and cons of doing so.

Mr. Speaker, I know that you wanted to break at 3.00 p.m., so I could take my break at this point.

**The Speaker:** If you haven't reached a convenient point, you could go on a few minutes longer.

**Mr. Linford A. Pierson:** This is okay, Mr. Speaker, I will pick up tomorrow on this.

**The Speaker:** I will now entertain a motion for the adjournment of this Honourable House. The Honourable Minister for Education, Aviation and Planning.

## ADJOURNMENT

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 a.m. tomorrow.

**The Speaker:** I shall put the question that this Honourable House do now adjourn until 10.00 tomorrow. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The Honourable House stands adjourned until 10.00 a.m. tomorrow.

**AT 3.04 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 2 MARCH 2000.**

**EDITED  
THURSDAY  
2 MARCH 2000  
10.37 AM**

*(Total time in Chamber 1:49)*

*[Prayers read by the Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have apologies from the honourable First, Second and Third Official Members who will be arriving later this morning. I have also received apologies from the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, who will also be arriving later this morning.

Moving on to item number 3 on today's Order Paper, Government Business, Continuation of debate on the Throne Speech delivered by His Excellency Mr. Peter J. Smith, CBE, Governor of the Cayman Islands on Friday, 18 February 2000. Debate continuing, the Third Elected Member for George Town.

**GOVERNMENT BUSINESS**

**DEBATE ON THE THRONE SPEECH DELIVERED BY  
HIS EXCELLENCY MR. PETER J. SMITH, CBE, GOV-  
ERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 18  
FEBRUARY 2000**

*(Continuation of debate thereon)*

**Mr. Linford A. Pierson:** Thank you.

At the adjournment yesterday, I had reached the point where I was discussing the pros and cons of a forced slowdown in our economy. However, before continuing on that subject, I am constrained to make a few comments on the reply that was made through GIS on the matter which I raised early in my debate yesterday in regard to the incident of CAL having to circle the airport for some 15 to 20 minutes because of no lights on the airstrip, and because none of the air traffic control officers were available.

I think that the author of the article released by GIS was somewhat confused and totally missed the point I raised in this honourable House. The article concentrated mainly on the point that the aircraft had sufficient fuel to go to an alternate site (and they named Montego Bay) if necessary, and could have circled Montego Bay

for another 30 minutes. That response was most inappropriate and simplistic at best.

I raised the point of fuel as an example, but I have been connected with the airline long enough to know that crashes can occur for a number of reasons. And running out of fuel is perhaps at the bottom of that list. The point that should have been taken into account is what would have happened if that aircraft had to make an emergency landing. That is the point. What would have happened, not if the aircraft ran out of fuel? The number of crashes we have read about, Alaska Airline, and others were caused by a multitude of various reasons. I have not yet heard that any of them crashed because they ran out of fuel.

I don't know who crafted that reply, but I think it is an insult to the people of this country that GIS would release such a reply to this serious problem. I think what should be concentrated on at this point is why an air traffic control officer was not present. They knew there was a scheduled flight coming in from Miami. Why was the airstrip not lit? That's what we have to concentrate on, not trying to make somebody look like they don't know what they are talking about.

That sort of thing has to stop, Mr. Speaker. Let United States concentrate on the apparent slackness, incompetents, and irresponsibility surrounding this issue. Any of our loved ones could have been on that plane. It could have been an emergency situation. It is not good enough to hear something sort of pushed under the carpet or pushed aside as if it were no big deal and nobody on this side has a right to the information. It is a big deal! That is totally wrong.

I ask the honourable minister to look into this. It was totally wrong to have released such a statement. Further, I would ask the Civil Aviation Authority Board to investigate this issue since we are talking about a statutory authority.

Yesterday in my debate, I was showing where this country is backward politically. I was also saying that many of the politicians had frightened my people in the past, making them believe that if they have one of their own that that individual is going to destroy the country. I was also pointing out the need for leadership, because the country is crying out for it. We have to get away from this shroud of secrecy under collective responsibility, and hold one person responsible.

I was very pleased that even the media, television, CITN, already recognised the proactive approach of the backbench. They are already referring to my good friend and colleague, the First Elected Member for George Town, as the leader of the backbench! They made a mistake with the backbench, because there are also government members on the backbench. It should have

been [leader] of the Opposition. I only mention that to say . . . and I am not doing this to embarrass anybody, but just to say that already the public and the media seem to be ready to accept that we need discipline and proper leadership, and too recognise that we have capable Caymanians on both sides of this honourable House who can admirably fill the position of leadership.

And to also make the point that already we have a *de facto* leader on the government bench called by another name. But a rose by any other name is still a rose. Whether you call that person "Leader of Government Business," or whatever, it is still the leader, and still the chief among equals.

Having made those two points, I now wish to return to the point I left off on yesterday at the adjournment regarding the pros and cons of a forced—and I stress "forced" because it would have to be mandated—slowdown in the economy. If it occurs because of circumstances beyond our control, like a recession in the United States, etc., then these are problems we have no control over. But I just wanted to make the point that before any elected member or individual attempts to create a situation where we try to slow the economy down, we need to study the pros and cons of such an action.

I gave the example of the experience that was forced on the 1988 to 1992 government through a United States recession. I would make the point that it is the economic conditions of the United States in particular that determines the health of the economy of the Cayman Islands. It is not, as some members of this Legislative Assembly would have you believe, the policies they have put in place. The person responsible for the Cayman Islands' growth or recession is a gentleman by the name of Alan Greenspan. He is the one who dictates economic policies in the United States.

It is the economy of the United States that dictates the health or sickness of the economy of the Cayman Islands. It is not any economic policy that any member of government, or a group, may put in place. I want to make that abundantly clear. The US economy was responsible for the growth in our economy over the past eight years in particular. It was the economic growth in the US that also trickled down and gave us the benefits we are experiencing in Cayman. I will speak on that when I reach the area to do with the Finance and Economic Department.

Let us think very carefully before we go around saying that this development and that development is not benefiting the Cayman Islands and therefore we should stop them. Let us look at the pros and cons, and see if indeed there is any form of trickle-down economic advantages accruing to these Islands. It is true that we now have to employ some 13,000 to 14,000 people. But it is also true that if we were not doing that we would probably not be the fifth largest financial centres in the world. And some people might even say that we are even further up on the totem pole.

It is those individuals, regardless of where they fit in to this global wheel . . . each one as a spoke fills a most important role. We would not be able to maintain the ser-

vices we are in the Cayman Islands from the top to the bottom if we didn't have those individuals in place.

As I said yesterday, there are two sides to this coin. And because of the lack of succession planning and the lack of training, there are many Caymanians not benefiting to the extent they should be. Much of that blame has to be placed squarely on the shoulders of the Immigration Board. If the law is inadequate in this respect, then it is the duty of all honourable members of this House to strengthen it in such a way that our people will receive the maximum benefit. I am happy that I am associated with a group on this side of the House that is thinking in that direction.

On that very delicate question of immigration, I was pleased to hear my colleague, the First Elected Member for George Town, state his position regarding long term residents in this country. He was, in fact, echoing the sentiments of my colleagues, and me in particular. Even though we must recognise the need for succession planning, there are individuals in this country that have spent all of their lives here—20 years and more. Their children were born here. How can we now look those children in the eye and say they must go back home? Go back to what home? The only home they know is the Cayman Islands. We have to be a people with heart and compassion.

It is not being compassionate and God fearing when we look at our fellow man and treat him in that way. I feel (and I believe it is a feeling that is shared by many of my colleagues) that the time has come when we must do something to assist that category of individuals, especially those in the category of 25 years and upwards. They have helped to build these islands. And they should not be treated with disrespect, as pariahs within our community.

I want to be associated with a government that is compassionate, that has a moral conscience, and practices the greatest of all commandments, "Do unto others as you would have them do unto you." So I am hoping that before very long this question of security of tenure for these individuals will be seriously addressed, and that there will be some kind of wrapping up exercise to look after those individuals.

I also know that the interim report now circulating is inviting comments from the general public and once the select committee receives those comments they will be seriously acted upon. If not during this year, I hope it will be as soon as possible thereafter.

I was also happy that I dealt with the issue of the five-year rollover permit yesterday. I understand that the Chamber of Commerce had so many people at their meeting yesterday, that they had to expand the area to accommodate them. That suggests how important the whole issue is. And, since I spoke at length on that issue yesterday, at this point I will only reiterate my position on that suggestion—and it is only now a suggestion or proposal in the interim report—I do not think that that proposal, however well intended, is appropriate and practical at this time.

But I do know that the underlying problem is crying out for assistance, for help, for a solution. The whole immigration issue in Cayman is such a major issue that both sides of this honourable House were in a select committee to deal with it.

On a broader and more encompassing prospective, if we are to grow as a nation, as a country, as a territory (call it what you may), human resources is a key ingredient. If we are to maintain our position as a leading financial centre in the world, our human resources is a key ingredient. Unless our males in this society are going to get more amorous and have many more children—and when I say males, I include the females—to provide the needed services, then it is important for us to rely on outside help for many years.

So, for us to even think that we will be able to Caymanianise the Cayman Islands work force overnight is fallacy. It cannot happen. There has to be tolerance and understanding of our economic needs, our economic situation, our economic structure, and what is required. The Cayman Islands is one of the leading financial centres today not by chance, but because we provide some of the best services. We are some of the best and most professional service providers in the industry. But much of that expertise has to be brought in from overseas.

What made America the greatest country on earth today was the tolerance exercised in integrating the outside world within its society. If you were to ask an American what his roots are, you would probably get a million different answers because America is populated by individuals from all different countries. That is not to say that the indigenous American is still not recognised and respected, as it should be.

Some of most talented Americans today are the descendants of people from various countries. I say that to say that we will have to seriously look at the Cayman Islands position from a broader perspective and take off the blinders that might insulate. We have to consider that if people are going to come to these islands and spend all of their lives, 25 years, 30 years, 40 years, and make a contribution to these islands, that they should be recognised and accepted for that contribution.

I totally support any view, and in particular the views expressed by one of my colleagues, that we should be most sensitive to the issue of integrating into our society individuals who have spent most of their lives here, 25 years and upwards. This should not be an open door policy; it should be done very carefully and very selectively.

I have a problem with individuals who come to these islands and spend three or four years in government or otherwise, and because of their lofty positions are granted Caymanian status by government, by the Governor in Council.

**Mr. Roy Bodden:** True, true, true, true!

**Mr. Linford A. Pierson:** I have a problem with that.

**Mr. Roy Bodden:** Preach, brother, preach!

**Mr. Linford A. Pierson:** Yet we have people who have spent 25 years, 30, 35, 40 years and they are still on work permits. That cannot be right.

**Mr. Roy Bodden:** Against the law of natural justice!

**Mr. Linford A. Pierson:** It is certainly against the law of natural justice.

**Mr. Roy Bodden:** True! Preach, brother, preach!

**Mr. Linford A. Pierson:** We, as a country need to focus on those injustices. And we are the individuals in this honourable House that can change that, and the people are expecting us to do so!

**Mr. Roy Bodden:** Hear, hear!

**Mr. Linford A. Pierson:** We need to have the courage to do so!

**Mr. Roy Bodden:** Hear, hear, Linny! Hear, hear! God bless you!

**Mr. Linford A. Pierson:** I know that there are individuals who are quite ready, willing and capable—

**Mr. Roy Bodden:** They just need the chance.

**Mr. Linford A. Pierson:** —of making those changes.

The time has passed when you can just pat somebody on the head and say, *'You're a good boy.'* We have a lot of bright young people in this country that are expecting to see those changes made.

I believe that this election is going to be influenced heavily by the young people in this country. They want to see forward-thinking leaders. They don't want to keep us back in the industrial age. We are now in the information technology age. And they want us to move ahead accordingly.

I wish now to turn my attention to some of the negative social behaviours I see creeping into our society. When I started my debate yesterday, I pointed out that I saw as the two major issues facing this country being enveloped under the social and economic situation that exists. A consequence of our economic growth is, frankly speaking, some of the negative antisocial behaviour we see creeping into our society. This is not peculiar to the Cayman Islands, but that should be no reason to be complacent, saying that other countries are experiencing the same problem.

I heard a representative in this House refer to these gangs as groups. Be they groups, be they gangs, whatever you want to call them, we have a major problem with the antisocial behaviour of some of our young people. And let me stress that we are speaking about some, and that "some" is a small minority. I believe that most of our young people are good young people. They are young people that are setting themselves up as good role models.

But, we must also recognise that there are some young people who are involved in unacceptable behaviour. These gangs must be identified and firmly treated. When I say treated, I don't mean abused, but dealt with. If they need psychological assistance or whatever, it should be made available to them. But they must be made to understand that they can't wreak havoc over this society and the society must accept it without retaliation.

One speaker said that it takes a village to raise a child. We cannot continue to put the blame in any one direction. From the best-regulated homes, we can have children with antisocial behaviour. We need a multifaceted approach where the schools work with the homes, the churches, and also the wider community. I was at a function a few nights ago, and it was so good (there were other members of this honourable House there) to see within what would be regarded as the middle-to-lower income individuals so many of the children . . . and I don't mind saying that it was at the New Testament Church. It was so good to see the work that that church is doing with their young people.

I want to publicly congratulate Pastor Mitchell and his congregation for the wonderful job they are doing. I believe there are other churches. I know for a fact that my church, the Elmslie Church, is also very much involved. I know that other churches are doing a great job with their young people. I want to also congratulate them.

But the point I am making is that the job of raising a job is a multifaceted job. It takes the home, the school, the church and a broader community to raise a child.

It is unfortunate that today we are living in such a society under so many rules and regulations that if an adult sees a child doing wrong that he is no longer able to correct that child for fear of being taken to court. When I was growing up, if I did something wrong—and the Lord knows I did a lot of things that were mischievous—and an adult saw me, I would be corrected on the spot. And if I went home and complained to my parents about it, I got another correction.

Unfortunately, we seem to have gotten so modern that that is no longer possible. The community can no longer take the active role it used to. When I look around, and I know a lot of the people who are holding key positions today, they will proudly attest to the very strict upbringing they had. Not only in the home, but from the neighbours. They were each other's keepers. They were their brother's keepers. Rather than taking a holier than thou attitude and ignoring the problems, let us get involved in solving the problems.

This is one of the reasons why I have a bit of a problem with some of the churches that concentrate solely on outreach missions. I feel that the churches should also try to help the poor and needy in countries such as Haiti, Turkey, and other areas of the world, and some of the African countries. I feel that charity should begin at home. We have a lot of "Haiti's" in this little island, and rather than the substantial concentration we see being placed on some of the overseas countries, we should be placing it on our youth in areas like the Wat-

ler's Road area, the Rock Hole area, the Scranton area, and other areas where individuals in those areas are trying so hard to assist the youth. Charity must begin at home.

In this connection, I must congratulate the wonderful job that is being done by the George Town Development Officer, Mrs. Zelma Thompson, and others. And even by the police involved with the community work. I also want to congratulate Mr. Dale Ramoon for the wonderful job he is doing in the Scranton area for the youth and individuals in that area. He and his community are doing a wonderful job.

What is so wonderful about that is that the whole neighbourhood is involved in trying to improve the conditions. It is not enough for any church to say that we have services at our church therefore the people should come to us, because the Bible has commissioned us to go into the highways and the byways to spread the Word. It is not only a need, but it is indeed a responsibility of our churches to first look at the needs within our islands' community.

Much of the violence we see occurring today is caused by drug abuse. There are people in certain socio-economic situations that because of the mere situation they are in they feel there is no way out and they resort to drugs of one nature or the other. It doesn't have to be cocaine or marijuana, it can be drinking because drinking is one of the worst drugs one can take. Statistics have shown that the problems from drinking far surpass those of the use of some other drugs.

We need to get into those homes and counsel people. Somebody using drugs should not be castigated as if he is a leper. That person needs help in most cases. And many of our people will say that if they need help they can get it. I regard that as being callous and a cop out. We need to go in there and do everything we can to help those individuals. I know of a lot of promising young people in this country who have been destroyed by the scourge of drugs. I can think of a number right now, but what are we as a government, what are we as a church, what are we as a people doing to try to help those individual? Do we just sit back in a holier than thou attitude and criticise them? Or are we willing to roll up our sleeves to try to help to pull them out of that state they are in?

It is my understanding that the chemical dependency on drugs is so powerful that it is practically impossible for people to kick it on their own. Let us have that compassionate heart, and try to reach out to those individuals.

What about domestic violence? I am proud of the ladies in this honourable House for the focus they have placed on this. They have done a fantastic job, and I want to encourage them to continue.

There is always a cause and an effect. Many of us try to cure the disease after we have contracted it. But a wiser thing to do is to take preventative measures to avoid contracting it in the first place. This same policy can apply in the case of domestic violence also. Most of the people I hear speaking about it are always dealing

with the effects of it. They are dealing with the husband who physically abuses the wife, or the wife that physically abuses the husband and the children that suffer. But they are not effectively dealing with the cause. There is a cause and an effect.

Are they going into the homes, looking at the living conditions of those people? Trying to assess the frustration of the individuals? Trying to find out what is causing this unrest in the home? Is it that the husband is drinking too much? Is it that the wife is nagging him too much? What is it that is causing this? And rather than taking a judgmental posture in the whole thing, we should be trying to deal with the cause at the preventative level, and not only at the level where the problem has already occurred and we are trying to cure it.

Some of the problems contributing to the negative antisocial behaviour within our community especially with the youth, is the unrealistic expectations of some of our young people. This can be attributed in many cases to a lack of proper training. We find that within the school system there is an inadequate education system for some of those young people that will never become academic students.

Statistics have shown that perhaps only 15% to 20% of the total school population will ever be able to go to a tertiary institution. And if that is correct, what is effectively being done to help the 75% to 80% of those students? Unless they are properly guided, unless they get the proper training on the vocational or technical side so that they can fill their rightful place in society, you are then throwing a youngster of 16, 17 and 18 into a society as sophisticated as the Cayman Islands without the tools to cope. Then, within a short while you have a young individual who is most frustrated with his life, and this is one basis for the antisocial behaviour.

I believe that one of the reasons we see a number of young people getting involved in drugs, especially those who sell it, is in an attempt to live like the Jones's. They see their friends driving a car, living in a nice apartment, wearing nice clothes. But, because they were unable to get the requisite education, be it technical or some other type of education, they are not in a position to earn the same type of income. Therefore, they try to supplement that, in an unwholesome manner many times.

I do believe that when we start concentrating more on the needs of the majority—because these children fall into the majority—they we will assist those children to bring more respect to think more highly of themselves to be able to fit better into society, to obtain better jobs, that will be a direct way of dealing with this problem of the antisocial behaviour in our youth.

It is in our hands, not only to criticise, but to also assist. But let us be more proactive in trying to deal with the cause. That's the message I want to get across today, that we should be dealing more with the cause than the effects. We are coming to this honourable House and building places to detain antisocial youth and older people. And that is as it should be where necessary. But I am saying that we need to be concentrating also on the

reasons for this type of behaviour, the cause. And if we do that effectively, I truly believe that we will reduce the need to put another cell block at Northward Prison, or to be building a remand home, or a lot of things we are doing as a result of this behaviour.

I now wish to turn to another point raised indirectly in the Throne Speech. It has to do with the whole question of representation in our country, voter registration and the general election coming up on 8<sup>th</sup> November.

I have heard figures given in this honourable House and outside, of the number of registered voters. It's frightening when we consider that of the 50,000 people or so that we have in these islands, that only approximately 25% of them are able to determine the future of these islands. It is my understanding that only about 10,500 people are registered or eligible to vote.

Some countries have 60%, 70%, 80% of the population is eligible to vote. The point is that it behoves each member of this honourable House to ensure that those who can vote are given every opportunity to register to vote. I want to congratulate the young people. I heard on Issues 27 a few nights ago that a group of young people, Craig Merren, Bernie Bush and others will be getting together on the public beach to assist young people in being registered. I think this is a very commendable move by those young people.

Because of this proactive position taken by the youth, I would suggest (and I hope that the Minister for Agriculture is hearing this) that government consider setting up a booth at the Agricultural Grounds on Ash Wednesday where we will have a lot of people visiting that show. Those who have not yet registered would have the opportunity to register on that occasion.

In requesting the honourable minister to look about that, I would also like to put on record that I am asking the First Official Member, who is responsible for elections, to look into that matter.

In continuing to go through the Throne Speech delivered by the Governor, I am now having a look at the reference he made to the departure of Mr. Thomas Russell as the Cayman Islands Government Representative in the United Kingdom. Just to say that I wish to join all those in congratulating Mr. Russell for a job well done. He has indeed been an ambassador to the Cayman Islands. He's an individual who is very knowledgeable and he performed well. It was always a pleasure to visit his office and receive whatever assistance we required, especially the group of us that went across to the UK and to Paris for discussions on government affairs such as the OECD and otherwise.

I am sure that my colleagues who went on that trip as well as a number of others who have been helped by Mr. Russell join me in wishing him all the best in his retirement years—his second retirement.

It would be remiss of me if I did not also congratulate his successor Mrs. Jennifer Dilbert, on being selected to fill this most important position. It just highlights what I said earlier, if our people are given the opportunity they can rise to the challenge. I want to wish her all the best, and to let her know that I believe she has the sup-

port of this honourable House in assisting her in efficiently and effectively carrying out her duties.

Having mentioned that, I wish to now have a quick look at the question—

**The Speaker:** I think if you are going on to another subject, this would be a convenient time to take the morning break. We shall suspend for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 11.43 AM

#### PROCEEDINGS RESUMED AT 12.22 PM

**The Speaker:** Please be seated. Debate on the Throne Speech continuing, the Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you.

Before the break, I was moving to the section under e-commerce. I noticed that under Computer Services the Governor made reference to development of the infrastructure necessary to support Government's e-commerce initiatives. And also under the Ministry of Tourism he made reference to the progress of the Electronics Transactions Bill.

I would just like to say that I am very pleased with the progress of the development of the Electronics Transactions Bill. I wish to congratulate the minister responsible for this subject, that is the Minister of Commerce, for piloting this bill through the advisory committee to the stage where it is hoped that it will be presented during this current meeting.

Many time members on this side of the House are accused of criticising without bringing forward any helpful constructive suggestions. But I think it has already been acknowledged in this honourable House that the introduction of this subject through Private Member's Motion 27/99, which I brought here in September last year, is a true example of constructive criticism and also assisting in a constructive manner. I do believe that the introduction of the Electronics Transactions Bill will indeed provide the machinery for the diversification of our economy.

At present, our economy is divided right down the centre between our financial industry and our tourism industry. As is well known, both of those industries are somewhat fragile. There are a number of external pressures and initiatives that could have a substantial negative effect on those industries. I feel that it was only appropriate that government and this honourable House look at ways and means to expand and diversify the economy. It was against that background that together with the First Elected Member for George Town, as seconder, and myself as the proposer, brought Private Member's Motion 27/99 which was accepted by this honourable House.

The Minister for Commerce has been the chairman of the advisory committee, and much has been accomplished since the passage of that Private Member's Motion. I do believe that the country will produce a piece of legislation to govern electronic transactions that will be

superior to anything in the region, or, as far as that goes, to anything in the world. Thus far, we have had the opportunity to look at a number of laws to see where we can benefit from some of the weaknesses in those laws, such as the laws of Bermuda, Australia, Singapore, Ireland, Hong Kong, UK, US, just to name a few.

This is as it should be, because as the premier financial centre of the region and the fifth largest financial centre in the world, we should not be following any country with any of our legislation, but we should be the leaders. I believe that the legislation now being looked at will reflect that we have taken that policy in preparing it.

We have moved from the industrial age into a new age that has been heralded in with a new century. That is known as the Information Technology Age. It was against this background also that in my Private Member's Motion 27/99 that I called for government to work together with the private sector to develop a policy which would actively encourage e-commerce within the islands. In our deliberations we have also considered the technical meaning of e-commerce as against the technical meaning of e-business, "e" meaning electronic. It is felt more appropriate that we should refer to our law as the Electronics Transaction Law that deals with e-business because e-business is all encompassing and includes not only the area of commerce as we know it, but all aspects of transactions, be it commercial, financial or otherwise.

We also asked in that motion that the Electronics Transaction Law would be suitable to meet the needs of these islands as a financial centre, but also as a premier tourism centre. The progress made to date on this piece of legislation would suggest that government is taking into account all the necessary areas to ensure that security is held uppermost in mind. It is this type of security and the integrity of the legislation that will continue to encourage the very best business in these islands. It would have been easy to ask why should we get involved with electronic business. But that would have been a backward step, burying our heads in the sand, because the wave of the future is information technology.

The action I took in September last year by introducing this motion was also as a result of the wish of the people. In the Vision 2008 proposal, a particular strategy, strategy 12, was devoted to the whole question of electronic technology. Eleven of the action plans under that strategy were dedicated to information technology, telecommunications, and electronic commerce. Because of this interrelation between information technology, telecommunications and electronic business it is my view that at some stage government should consider placing these three subjects under one minister or member, with very close correlation and interrelationship between these subjects. At present, they are placed under three separate ministries.

It is my view that electronic business in the Cayman Islands may well become the third sector of our economy. It is fast becoming a revenue earner in most of the industrialised countries. As a matter of fact, Bermuda, one of our competitors, is much further advanced with



the e-commerce business than we are, or even, as far as that goes, further advanced than other countries within the region.

But one of the setbacks we will find with the success of e-commerce in the Cayman Islands is the cost of providing those services. Government will have to take a firm position with the local Internet service provider, Cable & Wireless. I know they have promised to reduce their costs in the charge for providing Internet services, but it is not enough for them to say they will bring the cost down to the level of that existing in Bermuda. They already have a major financial and moral commitment to Bermuda having established the electronic platform there that cost them almost \$2 million. But we do not want to feel that we are second best to Bermuda. We must be given special and individual treatment.

When they tell us that they are considering bringing our cost down some 80%, or to the level of Bermuda, that is not good enough. Reports have shown that Bermuda has the third highest Internet charges in the world. The figures also show that only Luxembourg and Germany were higher than Bermuda. One member said they don't have any business anyway, so they can afford to push their prices up. We want to be able to negotiate head to head with Cable & Wireless so that we can get the very best rates possible.

I will go further to say that government should look very closely at the franchise between Cable & Wireless and the Cayman Islands Government if we are unable to get the proper arrangements made with Cable & Wireless. A good analogy of e-commerce forming the third leg of our economy is the example given by my good friend a few days ago of the three-legged stool, except with this stool I am hoping it will have a firm balance and not turn over. I think I have seen three-legged stools that were very firm. And I believe that the third leg will give even more balance than two legs.

It is very important that government have a serious talk with Cable & Wireless and remind them that a part of their franchise is that they will provide the necessary and adequate services to these islands. If their cost is too high for us to provide that service, then we have to question whether they are meeting the terms of that franchise. I will say no more on this particular issue at this point. By the time this bill is brought to the Legislative Assembly we should know a little bit more about what Cable & Wireless is doing in regard to their Internet charges at which time I will plan to say more on this subject, if necessary.

Once again, I ask the honourable Minister for Commerce to continue the good work he is doing on the Electronics Transaction Bill. I know that it is his desire, as that of the advisory committee, to have that Bill brought to the House during this meeting if possible. There is already a lot of interest being shown to conduct the business of electronic commerce in the Cayman Islands. But we need to have the proper machinery, the proper guidelines, law, and regulations in place to ensure that we can properly regulate e-commerce in these islands.

Just going down the Governor's Throne Speech, the next area I would like to touch on briefly is the Portfolio of Legal Affairs. I am happy to see that the plans for the Law School are progressing. I do hope that within the not-too-distant future we will see some substantial efforts being made with the building of the facility.

I am sorry that my good friend the Third Official Member is not here, because I am coming to my pet subject, the Portfolio of Finance and Economic Development. His Excellency made mention of some of the notable projects that will be dealt with under this Portfolio during the year 2000. One of those subjects is the initiatives under the OECD, G7, and European Union. To this we could safely add the Financial Action Task Force (FATF) and the United Nations Initiatives.

I know there has been criticism levelled at the negotiating team for the certain level of secrecy taken on some of these talks. But as one who has been involved in these talks, many times (especially on our trip to the UK) we were asked to keep much of the discussion confidential at this point in time. But that is not to say that the general outlines of discussions should not be made available to the media.

It's only fair to the negotiating team to say that the reason why the names of the team were not given earlier was because I, Linford Pierson, was not quite sure I would have been on that trip. And the members were waiting on my decision. I partly take the blame for the news media not being told earlier.

That said, I feel that the public deserves to know what is happening with these talks, the talks with OECD, the UK, US, and other countries involved. I believe that the public should not have to wait to read on the Internet or some other media what is happening with the Cayman Islands. If I have anything to do with the future discussions with OECD, EU and G7, or any of these bodies, I will be insisting that as much information as possible be disseminated to the press before and after these meetings so that it will avoid any speculation that may justly or unjustly be made.

I believe that the Cayman Islands is the envy of many of these industrialised countries. Many of them questioned why a small island with 50,000 people or less should be the fifth largest financial centre in the world. So there is a lot of jealousy there. But what is not being told is that the Cayman Islands has one of the best regulated financial centres in the world.

As recently as last month, there was an article I alluded to in the first part of my debate, published in *The Economist*, a well-known and respected magazine. If anyone wishes to see this article, it is *The Economist* of 29 January to 24 February 2000. It had a major subject devoted to globalisation and tax survey. There was an article that took up some ten pages. It is very interesting reading, and I would commend it to each honourable member of this House.

I thought it was interesting to note the position now being taken by some of the leading economists in the world. The caption on this particular article stated "A Contradiction in Terms." It says, "**Some officials at the**

OECD now regret ever using the phrase 'harmful tax competition.' As one of them puts it, 'As an economist, how can you ever say anything bad about competition?' The OECD's main objection to some forms of tax competition is that they reduce another country's tax base, or force it to change its mix of taxes, or stop it taxing in the way it would like. But that seems a bit one-sided: what about the democratic rights of people in poor countries to enjoy a higher standard of living by pursuing tax policies that attract overseas investment? Indeed, says Edward Troup, a lawyer at Simmons & Simmons in London, it would be possible to argue that the OECD initiative is 'an attempt to create a cartel amongst certain developed countries who have an unsustainable activity—raising revenue by taxing capital—that they want to protect.'

Mr. Speaker, that is revealing and most interesting. What is most interesting is where it goes on to say, **"Variations in tax rates across different countries are a good thing, because they give taxpayers more choice, and thus more chance of being satisfied. They also create pressure on governments to be efficient. That makes harmonising taxes a bad idea."**

That is an article in *The Economist*, one of the leading authorities on world affairs. That is how a lot of the people now in position of authority are thinking. That is not to say that we are not to continue with all our efforts at negotiating as we have been. We cannot afford to be complacent. As was told to us in the UK and in other forums, the OECD is very serious and committed to the initiatives under the report that they submitted.

Closer to home, as a member of the Cayman Islands Society of Professional Accountants, I receive their newsletter on a regular basis. This is made public and is available to any Member of the House. I will be happy to lay it on the Table or make it available to them. They, as the authority on finance in the Cayman Islands, issued an article in their 1 February 2000 newsletter. With your permission, I would like to make a quick reference to this.

The caption is "OECDs Place for Offshore Centres." The article states, and I quote: **"A key figure behind the OECDs Report on Harmful Tax Competition has hinted that the Paris based organisation could end up endorsing the activities of some of the worlds better regulated offshore centres. OECD head of fiscal affairs, Geoffrey Owens, denied that he was seeking to put offshore centres out of business, and he said that many jurisdictions are pretty well regulated."**

Mr. Owen is quoted as saying, **"We are trying to transform them into financial service centres that are viable in the long term without having to rely on money laundering or tax evasion." Mr. Owen also sought to dispel any myths about the future of the whole offshore industry and said, 'I am sure there are offshore centres that will thrive in the next century because they do provide real services which are appreciated by companies and individuals.'"**

I am reading this so that the financial centre and other people involved in financial business here will realise that there is no reason for them to start fearing and pulling business from here and taking it to another country. This is a well regulated territory. And every effort is being made to improve on that.

The last part of this article says, referring to Mr. Owen, **"The fiscal Pharaoh also denied that the OECD wants to harmonise tax level at the rate set by the most inefficient systems. He said, 'Why should Greece and Germany have the same tax level and the same taxes? It's not about that. Each country is free to decide on the type of taxes suited to its environment. Some of them may decide not to have income tax. That's fine,' he said, 'it's their decision.'"**

I believe that we are on the success curve in our negotiations with OECD. Much of this credit must be given to the hard work of the government-selected team that has been negotiating with OECD. We have had people like the Chief Justice, the Attorney General, the Minister of Education, the Minister of Tourism, the Financial Secretary, and me on these negotiations. We will continue to do what we feel is in the best interests of these islands.

In discussing this matter with people in the community and the financial centre, individuals should be careful that they do not just paint a dark picture, for political or other reasons, to try to make the government look bad. There are other ways of dealing with the government in this election year. But to use the initiatives of the OECD, the EU, G7, Financial Action Task Force, or the United Nations Initiatives, would be a mistake. We should be in this together. Both sides of the House must put their heads and hearts together to deal with this issue. If the Cayman Islands financial integrity is damaged, there will be no need for this Legislative Assembly.

Let us all work together on this very serious issue. We talk about slowing down the economy, but let us consider the number of negative initiatives out there that we have to contend with that could have the ultimate effect of slowing things down for us. We may not have to take any direct action in that respect, it may be done for us if we are not very careful. I have the feeling, I have the faith, I am of the view, that things will continue to move from strength to strength as regards the Cayman Islands.

We have cooperated in every way possible. We were the leaders with the Mutual Legal Assistance Treaty in the region. We were the leaders with the Proceeds of Criminal Conduct Law in the region. At present we are preparing a Code of Practice on the Know your customer principle within the industry. We are leaders in this respect. That is why if the Financial Action Task Force or any other group targets the Cayman Islands we should not wait and react after the fact, but should be proactive in saying that this is what we stand for. The Cayman Islands is not interested in harbouring any money launderers. We want no part of them. And we are in the fight to stamp out money laundering. We cannot just sit back and hope this will go away and then react

after the fact. We are leaders in the financial industry and as such we should take a lead in this important industry.

Mr. Speaker, if you are trying to catch my eye, I can take a break now.

**The Speaker:** It is my understanding that they would like to hold a select committee [meeting] immediately after the lunch break. If that is the agreement, we shall suspend until 3.15. That should give time for the deliberations.

**PROCEEDINGS SUSPENDED AT 1.05 PM**

**PROCEEDINGS RESUMED AT 3.20 PM**

**The Speaker:** Please be seated.

Honourable Members, there are other important meetings which members have to attend at 3.30. I shall entertain a motion for the adjournment at this time, if that pleases the House.

**ADJOURNMENT**

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 3.20 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 3 MARCH 2000.**



**EDITED  
FRIDAY  
3 MARCH 2000  
10.30 AM**

*[Prayers read by the Third Elected Member for West Bay]*

**The Speaker:** Proceedings are resumed.

Item No. 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have received apologies from the Third Official Member who will be arriving later this morning; I also have apologies from the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture who is in Cayman Brac on official business.

Moving on to Item No. 3, Government Business, continuation of debate on the Throne Speech delivered by His Excellency Mr. Peter J. Smith, CBE, Governor of the Cayman Islands, on Friday, 18 February 2000. Debate continuing, the Third Elected Member for George Town.

**GOVERNMENT BUSINESS**

**DEBATE ON THE THRONE SPEECH DELIVERED BY  
HIS EXCELLENCY MR. PETER J. SMITH, CBE, GOV-  
ERNOR OF THE CAYMAN ISLANDS, ON FRIDAY, 18  
FEBRUARY 2000**

*(Continuation of debate thereon)*

**Mr. Linford Pierson:** Thank you Mr. Speaker.

Mr. Speaker, in my contribution yesterday, I made mention of the progress of the Electronic Transactions Bill, E-Commerce Bill, and the possible problems that could be faced in an attempt to introduce Electronic Commerce in the Cayman Islands. I cited as one of the problems the very high cost of doing business on the Internet. I also mentioned that there was an article in the Royal Gazette from Bermuda that stated that Bermuda had the third highest Internet charges in the world, and that was third to Luxembourg and Germany. That article also stated that Bermuda's two Internet companies charged nearly \$30 more than the OECD average.

I was also surprised to learn that the Cayman Islands is some 60% higher in telecommunication charges than Bermuda—who is the third highest in the world. That revelation certainly justifies the concerns expressed by me that government would certainly have to take a very close look at this situation if there is any reluctance

on the part of Cable & Wireless to reduce their rates to a competitive level.

The information received on Bermuda within the Caribbean region is that Bermuda continues to offer by far the cheapest overseas telecommunication rates compared with its rival offshore jurisdiction in the Caribbean. Let me quickly say, before any confusion is taken on this particular point, that the Internet charges are slightly different from the regular telecommunication charges in regard to telephone, faxes, etc. Nonetheless, this is a matter that is of grave concern to the people of these Islands. While rates have generally fallen in many islands since the last survey carried out in April 1997 by a certain group, the gap between Bermuda and the pack remains huge largely due to the introduction of competition for international calls.

The article also stated that TeleBermuda International offers the cheapest rates in the region. TeleBermuda International is the competitor of Cable & Wireless in Bermuda. A typical bill for a small business that communicates mostly with the United States but also regularly contacts Canada, the United Kingdom, Europe, Asia and Latin America, is about 34% more expensive in the next cheapest island, and the British Virgin Islands, than in Bermuda using the services of TeleBermuda International. Of interest is this area that states that residents of the Cayman Islands who bombarded the *Caymanian Compass* newspaper last year with letters complaining about overseas rates charged by Cable & Wireless are vindicated by this particular survey. Cayman is the most expensive offshore centre in the region for international telecommunication transmissions during business hours and is generally 60% more expensive than TeleBermuda. Mr. Speaker, that is very, very serious indeed.

Of the twelve offshore centres in the Bermuda-Caribbean region that were featured in the survey, Cable & Wireless has a monopolistic joint partnership in every island except Bermuda, the Bahamas, and Dominica. It also says that although the introduction of competition in Bermuda over the last two years has pushed down overseas rates, Cable & Wireless has also reduced rates in islands where there is no competition as they have responded to a growing tide of resentment over their high rates. The 60% margin between business rates in Bermuda and the Cayman Islands that currently exists is a marginal improvement on the 62% gap that existed in April 1997. Even at 60% at the present time, it is a slight improvement because in 1997 it was 62%.

Also of concern is that it seems that Cable & Wireless continues to bury its head in the sand when it comes to justifying how they can charge peak rates of US\$1.50 per minute to the USA when a call made from the USA to the Cayman Islands costs just 25 cents. I have given that information for the possible intervention of government at

some stage if Cable & Wireless is not cooperative and reasonable in the reduction of their rates so that our e-commerce or e-business can get a good start. There is no use having the best legislation in the region or indeed in the world if our rates are so high that we are not competitive, and therefore unable to attract the necessary business to the Cayman Islands.

Cayman Islands' [rates] were higher than the Bahamas, Barbados, Grenada, Turks and Caicos, Dominica, Anguilla, Antigua, St. Kitts and Nevis, St. Vincent, British Virgin Islands and of course, Bermuda. We were on the top—the most expensive territory in the region.

While I would be the first to say that Cable & Wireless has provided an excellent service to these Islands, I am also concerned that the rates that they are charging are so high. They have, in the past, shown a lot of co-operation with government and hopefully this will continue. In the past there has been a partnership between Cable & Wireless and government, and long may this partnership remain. But, for this partnership to continue and flourish it must be a partnership that is good for both sides. It cannot be a one-sided partnership.

Also of interest on the introduction of e-commerce in the Cayman Islands is the fact that most of our competitors, the Bahamas, British Virgin Islands, Turks and Caicos, Anguilla, and other areas are simultaneously introducing e-commerce legislation in their countries. Bahamas' Minister of Finance, William Allen, has said that he is hoping that a final draft of the Islands' E-Commerce Law will be finished by the end of this month. Hopefully, we will be in a position to introduce our e-commerce legislation to this House during this meeting.

In the British Virgin Islands, the government has spent a huge amount of money advertising their territory as an e-commerce centre. They realise, as we do in the Cayman Islands, that electronic commerce, electronic business, is the wave of the future and will indeed become the third leg of our economy and fill an important role in their economy. I trust that when that legislation comes to this honourable House it will indeed receive the full support of all honourable members.

Mr. Speaker, yesterday I had reached the point of discussing certain subjects under the portfolio of Finance and Economic Development. I had spoken on the subject of the OECD, the European Union, and the G7 Financial Action Task Force United Nations Initiatives as they apply and may affect the Cayman Islands. While I sounded an optimistic note yesterday, I would not wish to give the impression that there is still not much to be done, because there is still a lot of work and negotiation to be done.

But Mr. Speaker, what has the government done? What have past governments done to provide a healthy position for the unforeseen, for the proverbial rainy day or for the time that we may have to dig into our reserves? Where is the long awaited Economic Development Plan?

I remember years ago (under a previous government) that a Five-Year Economic Development Plan was introduced. And we have heard that under government's Financial Reforms, that a similar plan would be reintro-

duced. We have also heard that the Medium Term Financial Strategy would be laid on the Table of this honourable House. We have been hearing that almost every meeting for the past two to three years—or longer.

To date, we have not had a Medium Term Financial Strategy laid on the Table of this House. We have also been told that the Public Sector Investment Programme, which will determine the level of capital expenditure that is affordable within the parameters of the Medium Term Financial Strategy, would also have been laid on the Table. To date, there has been no sign of this most important policy.

Mr. Speaker, it asks the question, How can this government (or any other government) properly operate without some guidelines? I am not here to point fingers or to cast blame, because I realise that this subject is one that falls under the Finance and Economic Development Ministry. I also recognise that the person that heads that is doing a good job for this country. Be that as it may, if we are to develop as a sound financial destination and continue in a well-structured manner, then these Plans should be put on the top of our priority list.

The *Hansards* of this honourable House will also show that on many occasions I have called for the expansion of the revenue base of these islands. I have done that against the background of the increasing cost that is being borne by the people of these islands. Every Budget we find that government has no choice but to add a little bit here, a little bit there, on our already very high consumption tax base. I am not suggesting that we should move away from the consumption taxes. What I am suggesting is that what has been good for us for the past 30 – 40 years might not now be adequate. It is time that we move away from a little bit on diesel, a little bit on garbage fees and so on and so forth.

I have been told that before a think tank can be established we need to have a study done to determine the baseline information. Mr. Speaker, I do not have a problem with that. What I do have a problem with is that I have been told this on several occasions over the past two to three years. I have to ask when will this information be made available to this honourable House? When will a think tank be established for these Islands?

Let me just briefly explain what a think tank will do, and show that it is not necessary to spend a long time doing any sort of baseline studies before that think tank is made operational. Baseline study is a comprehensive study that will determine basically what the Medium Term Financial Strategy and the Public Sector Investment Programme should determine because such a study will determine the amount of revenue required to finance or service the amount of capital and recurrent expenditure that is required.

What a think tank would do for this country is provide a number of options to the Finance Department and to the Financial Secretary in particular, for such a committee to run in the best possible manner. It would require input from some of the best financial brains we have in the country. Mr. Speaker, there are a lot people out there that are very bright and who could assist on

such a committee. Together with input from the private sector and government, recommendations would be forthcoming from such a think tank and the government would be in a much better position to look at these recommendations and to have a list of options to deal with.

From these recommendations the Finance Department can then take their suggestions to the Executive Council then on to the Legislative Assembly for discussion.

Mr. Speaker, I find that the Finance Department in this respect is somewhat derelict in its duties. Unfortunately the Hon Third Official Member, the Financial Secretary, is not present. I wish he was here to hear what I had to say, but I will certainly let him know what I said when he arrives later this morning. He and I have a very good relationship and he knows that my remarks are not intended to be personal. I am dealing with the policies as I see them, and I have always tried to discuss and debate issues and stay away from personal attacks.

When I speak about a need for a think tank and the urgent needs for expanding the financial base of this country, I do it from the point of view of focussing on an issue that is of national importance. This is not just an issue that is personal to the Finance Department; this is an issue that concerns the whole country.

I would have also thought that this responsibility (because it is a national issue) should be focussed on by the Elected Members of the Executive Council. If the official side under the leadership of the Third Official Member is not forthcoming with appropriate financial policies, then it is a responsibility of the electorate, the elected Members of Executive Council, to see that this is done because they form the majority on Executive Council. Regardless of which Executive Council is there, it is not just this one, because this situation has been going on now for the past 20 – 30 years. So, it has been successive Executive Councils, yet they sit back—I am sure that my good friend doesn't want me to respond—but they sit back and they leave it to the Third Official Member, the Hon Financial Secretary. What they don't realise is that it is the Elected Members that are being held responsible for the running of the country.

Mr. Speaker, if I am ever fortunate to ever sit on that side of the House again as an elected Minister, it will be one of my first duties to see that a think tank is set up that can advise not only the Financial Secretary and Hon Third Official Member, but also the Elected Members of Executive Council.

For the past eight years, these islands have seen the good times. That has been mainly due to the very robust economy in the United States, not—and I stress not—as a result of any financial policies that have been put in place by any government. When we look at the pitiful state of our general reserves, we have to ask what do we have to show for it. Oh, I know that there are some Elected Members of Executive Council who will quickly say we have put it in the Pensions Fund. For those people that may say that, may I remind them that contribution to the Pensions Fund is a legal and statutory

responsibility and has nothing to do with the responsibility for funding the general reserves.

The major difference is that if it was necessary to have funds taken from the general reserves (that that can be done fairly easily), but that Executive Council is prohibited from taking out any money from the Pensions Fund. So, that is not readily available to this country.

What is also of concern is that when we look at the total amount of general reserves it is perhaps only sufficient to carry this country for two weeks. What will happen if we had some serious disaster such as a serious hurricane or other type of disaster that hit this country? When we look at the reserves that are held by places like the Turks and Caicos Islands, the British Virgin Islands and other places, it makes us look . . . we should be ashamed! And it makes us look pretty pitiful.

I am not saying this for any political posturing because it is an election year. I have been saying this for a long time. We need to have a very strict policy that we will bring the general reserves up to a reasonable standard and also that the Public Service Pension Fund is brought up to the actuarial standard recommended. It might mean that certain capital expenditures might have to be delayed, but we need to get our priorities right. We cannot be all things to all men, we have to do what is in the best interest of these Islands.

Mr. Speaker, in the Governor's Throne Speech under the same Ministry, under Economics and Statistics Office, he stated that focus of the Economics and Statistics Office work this year will be the compilation and publication of data from the census or population and housing which was undertaken on the 10<sup>th</sup> of October last year. I wonder if that office is in a position to provide the result of the population census? And, if they are in a position to do that, how reliable would that information be?

For quite some time now I have been waiting in this honourable House to receive information on questions that I had asked about that department or unit. I am not satisfied that that unit could not be doing much more within the Finance and Economic Development Ministry. I am not satisfied that that unit should not also be heading up the think tank and also be providing valuable input into the Medium Term Financial Strategy and the Public Sector Investment Programme.

One of the questions that has been long pending and was asked in the November meeting of this House was, "What percentage of the 1999 Population and Housing Census Forms have been returned, and how many of those returned have been properly completed?" The reason for that question is that most people that I spoke to found those forms very complicated. I believe that if a more simplified form had been distributed that the information received would be much more reliable. I cannot see how any reasonable reliance can be placed on that information without a very high percentage of those forms being properly completed.

I also asked in a previous question (and it could have been a second part to the same question), "What are the most recent figures on the Gross Domestic Prod-

uct (GDP)?" Mr. Speaker, to date, I have not been given that information.

My concern is if the Economic and Statistic Office is not in a position to provide me with details on the GDP of this country, then how can they provide information on the per capita income in these islands? How can they provide this information if they do not have the basic details required for this information? I also asked them "What percentage of the Gross Domestic Product is regarded as transient?" How much of our money that is made here is being banked overseas? That information should be readily available.

Unless we have this information, when we go abroad and we give information on the per capita income of the Cayman Islands or the GDP of the Cayman Islands, unless we have information to base this on, then the best we are doing is providing guestimates for a country that prides itself as being one of the best regulated financial centres in the world and indeed the fifth largest financial centre in the world. I have to ask, why is it so difficult for members like me to obtain that type of information when it is put down on the Business Paper of this House? If other information based on that data can be provided, then why cannot the data itself be given in this honourable House?

Mr. Speaker, lest I be misunderstood, again let me make it very clear that what I am saying is no direct personal attack on any member of the civil service or of the general public at large. I am more concerned with the well running of this country. My interest is the national interest of this country.

I now move to the Ministry of Agriculture, Communication, Environment and Natural Resources. I noticed that it is hoped to establish a new telecommunications authority. As I said yesterday, whether my suggestion is made under this Ministry or the Portfolio of Internal and External Affairs under the Chief Secretary, I feel that the subject of telecommunications, e-commerce or e-business, and information technology should be placed under one ministry because they are so closely interrelated.

On the question of the Agricultural and Industrial Development Board, and the Housing Development corporation the Governor said in his Throne Speech, "**As evidence of the Government's commitment to being more proactive in dealing with housing issues, CI\$1 million was voted for the creation of a housing fund at the last meeting of this Legislative Assembly. Guidelines for the use of this housing fund are expected to be released by the Ministry in the near future.**" I would have hoped that the guidelines would have been released during a meeting of this House. I trust that the honourable minister will attempt to table those guidelines so the people of this country can benefit from this \$1 million that has been provided by this honourable House. There is no use in Finance Committee providing funds for our people if it is not going to be made available to them.

Many times we hear criticism levelled at departments. I am pleased to be able to congratulate the

Postmistress General for the wonderful job she is doing within our postal system. I trust that she will continue to do the wonderful job she is doing. As minister responsible for the post office at one stage, I believe I made a contribution in that area. It is certainly gratifying to see that improvements are continuing to be made.

I now turn my attention to the Ministry of Tourism, Commerce, Transport and Works. In so doing, may I take this opportunity to congratulate the minister on the work he is doing with the roads in particular, and to say that I am happy that he is taking the Master Ground Transportation Plan (MGTP) in stages. I am happy that even though the Master Ground Transportation Plan took this long to be implemented, that it is in fact being implemented in stages by the Public Works Department and through that ministry, even though it may be called by another name.

If one examines the MGTP that was rejected by members of the present government, one will see that many of the improvements being made to the roads—at a much higher cost—are the same improvements recommended in that plan. If one looks at the Harquail Bypass, the Crewe Road Bypass, and on a lot of other road works, you will see the Master Ground Transportation Plan written all over it.

It is unfortunate sometimes that such precipitous actions are taken in the name of politics. If at that time the Master Ground Transportation Plan had only been accepted within the composite maps, if the corridors had been kept, the cost today would have been much less to this country. But just to make the former incumbent look bad, members decided to scuttle that plan. I consider that a most irresponsible action for any group or representative to have taken.

No one can say they did not have the opportunity to take that plan in stages. The excuse given at the time was that it was going to cost the country too much because the plan called for all the work to be done within a short time frame. That is not correct, Mr. Speaker. If it was the intention to keep this road plan in place, these corridors, that could have been done even if it was decided to delay the building of certain roads. There is no excuse for that irresponsible action taken at the time. As a result, the country is suffering today.

I share the view that it could cost tremendously more—some people think up to ten times more—than it would have cost the country at that stage. What has happened is that certain buildings have now been built where those corridors should have been. A case in point is down by the Hyatt and other areas. To try to put a proper road system in place now is going to cost the country much more.

The answer some time back was to put a three-lane road on West Bay Road. We are very lucky that we have not had more accidents on that road. We have to thank the good sense of our motorists. I can understand the confusion on the minds of tourists when we have one lane going down, two coming up . . . it takes a lot of concentration not to make a mistake with that kind of system.



But, as I said, I do congratulate the honourable minister who now heads this for the amount of work that has been done in the past year or two. I cannot fully blame him, because when I brought the Master Ground Transportation Plan back in 1989 I think he was then the Financial Secretary. I believe he supported it under collective responsibility. So, it's understandable since he, under collective responsibility, supported it back then that he is now using it. He knows it's a good plan!

*[Members' laughter]*

**Mr. Linford A. Pierson:** While I am making some very favourable comments, I would like to include the Director of Tourism.

I noticed recently in the *Caymanian Compass* that not only does she have the distinction of being the first woman in that type of a position in the Caribbean, but she also has been awarded with a very high honour and recognised within the region. That says a lot for the women in this country.

**Mr. Roy Bodden:** True!

**Mr. Linford A. Pierson:** If we look inside this House we see a lot of capable women. We also have a lot of capable women on the outside. They just need to be given the opportunity.

We now have a woman on Executive Council. And I believe that if there was a change of government tomorrow that we will have another women on Executive Council. Even in this House, the Deputy Speaker is a woman. And she does a great job when she sits in that Chair.

But my sincere congratulations to the Director of Tourism. I trust that she will continue to do a good job.

The next area that I wish to speak on is headed by a minister who I feel has done a tremendous job during the time he has been there. That is none other than the Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation. I think that the greatest compliment I could pay him is when I said to him yesterday that I wished somehow if the future will smile on me that I would have the opportunity to work more closely with him. I find him to be a very dedicated individual. He's done a great job.

I am hoping that the projects that are now pending in Breakers, including a halfway house facility, will become a reality within the not-too-distant future because those facilities are badly needed. I am concerned though, that there seems to be a fragmentation of individuals trying to accomplish the same type of service and facility. I hear of a YWCA, a YMCA and other facilities being built. I hope that while these facilities are good and needed, that individuals so interested will coordinate their efforts with the ministry responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

The whole question of drug abuse is a very serious issue in these islands. It respects no family. The very best families can be caught by the scourge. I didn't real-

ise that the time was flying so fast, because this is one Throne Speech that I found so interesting.

Again, I must congratulate the Governor because it was his first Throne Speech in this House. I know that some Throne Speeches delivered here were not even debated. This one is receiving a lot of attention. Because I only have seven minutes left, I will have to skip some of the things I wanted to speak on. But one thing I want to speak on very quickly is that I want to congratulate the Health Services Department for considering the construction of an inpatient mental health and geriatric facility. I think that is so much needed in these islands.

I won't be able to comment in the detail I wanted to because of the time constraints, but I want to congratulate the minister for moving this ahead.

On the social welfare, the community welfare and the youth that I wish to speak on, may I also congratulate the honourable minister for moving those issues ahead.

I think this is a golden opportunity for me to say to my fellowmen, to my constituents and the country, that, yes, by the help of God it is my intention to stand for election in November. Further, I am happy to say that the First Elected Member for George Town, Mr. D. Kurt Tibbetts, and I have decided that we will be running together on the same ticket again. We have not yet decided about expanding that ticket. But that is not to say that if the right individual comes along (and I say "individual" because it is our intention to have a ticket of three) . . . but that's only in the preliminary stages. I have to discuss that with my good colleague.

It is our intention not to go beyond that. But I don't want to keep the general public guessing as to my intention. I have always tried to be an open book—what you see is what you get. We will soon be getting together, that is, the First Elected Member for George Town and I, and preparing a manifesto we feel will take into account the needs of this country and our people. We will also be looking at the question of the needed leadership in this country that I spoke on in this honourable House. We will best decide how to approach that problem of the perceived lack of leadership in the country.

We will attempt to be as honest as possible because we believe that is the only way to go—being honest with our people. During my debate, I have concentrated my efforts on highlighting some of the problems within the social and economic strata of the whole structure of these islands. I trust that as we look forward we will try to pull ourselves away from hearing the old saying 'that is the way things have been done.'

I remember when I first came back as a qualified accountant that was the first thing I was told by certain individuals, "This is the way it has been done." And a lot of people were reluctant to make any changes. But we are now going through a transition from the industrial age to the information technology age. We are now in a new millennium, we are now in the year 2000. We have to have a forward-looking approach.

I wish to once again thank His Excellency the Governor for a very enlightening, interesting, and timely Throne Speech. I also thank you, Mr. Speaker, for your

graciousness, the latitude and tolerance you have shown in allowing honourable members the type of latitude and opportunity to express their views on this important occasion. And I thank all honourable members for their indulgence. I thank you.

**The Speaker:** At this time we shall suspend proceedings for 15 minutes.

**PROCEEDINGS SUSPENDED AT 11.37 AM**

**PROCEEDINGS RESUMED AT 12.03 PM**

**The Speaker:** Please be seated. Debate continues on the Throne Speech. The floor is open for debate. The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Thank you.

I would like to begin by congratulating His Excellency the Governor on a very good, precise and very important speech from the Throne. It clearly covered the policies that the government ministries and departments will pursue this year. It was a very positive speech, one that was very much in line with the good condition of the economy with the good condition of the country generally. And, despite what may be said from time to time, this country is the best country in the world. And it is only sad when there are those who only look at the negative side and not the positive, who criticise rather than taking a positive approach and provide solutions.

The country has been built by the positive people who have moved forward, looked at whatever problems are there and come up with solutions rather than wasting time griping about them. That's really what the country and every business looks for—solutions and positive approaches to developing the country.

We see that the policies of the government here, as they have been in the past, are positive. I am certain that the longest history of this country where there has been forward, solid, and good development has been specifically in the past five to seven years. In fact, it is unprecedented to have had an upward economic cycle, which has produced continuous upward development of the country and expansion of the economy for such a long period. Normally, we have two to four year economic trends when the country turns downward, and seven years ago the country had hit a record low and we have pulled out of that. And, with God's help we have moved this country forward. There is a lot of positive in this country that I believe members and the public should look at.

If there is anyone who believes that this country is not in good shape, despite whatever criticism may be levelled, then go to some of the other areas of the Caribbean and you will really see what crime is; you will see what serious social problems are; you will see what a failed economy is, and you will really see the type of position that we have to be thankful to God does not prevail in this country. It's always a good reminder in amongst

all of the criticism we hear to really look around the Caribbean and take stock. Tell me whether there is any other country out there that's even comparable in a few ways to the Cayman Islands.

That is acknowledged by the continuous good running of the country, by decisions of a medium level and up being taken at a governmental level by eight persons under collective responsibility with the Governor as Chairman, and being taken by people who are responsible, people who understand as ministers and official members the importance of making the right decisions after proper consideration of all of the issues and thus coming up with what is fair, what is reasonable, what is equitable. And what really will keep the business of this country continuing, and believe me it's so easy to lose all of that good business . . . not too many scares are needed within a country for that to disappear. It's also very easy to affect the social harmony in this country. It is so important when we speak, or when people in the public speak, to try to balance those speeches rather than taking small problems and blowing them out of proportion and then trying to gain some sort of mileage as a result. That only hurts the country. We are in here to represent our country and to do what is positive and right for it.

I would like to say that sometimes statements are made that are so wild it's hard to believe they have come from someone who has lived in and has been raised in the Cayman Islands. One of those statements was made by the First Elected Member for George Town, when he said words to the effect that every problem we have in this country can be attached to a problem in the area of education. That, in my view, was one of the wildest statements that could be made, and I must deal with that. Beyond dealing with the areas of criticism, I will basically deal with my ministry, but other areas as well.

There has been talk in relation to the Civil Aviation Authority, and I would like to begin with that one because it is an extremely well run statutory authority, one that provides very few problems, thank the Lord. What has been achieved with the Civil Aviation Authority from 1997 to 1999 (and I will be as brief on this as I can), we look first at the airport operations work in the systems. Major works were undertaken on the second floor of the terminal building to replace the paver type surface with tiles. That has now been completed and the flooring is now of a very good quality.

A new fire alarm system was installed allowing more accurate detection of fires and new screening equipment (that is, the metal detectors) was installed both at the airport in Grand Cayman and at Cayman Brac. We have also installed a closed circuit television system to enhance the security of the premises at the airport and to also assist in detecting and aiding in the detection of breaches of the law and by-laws.

A new revenue parking control system has been installed. I apologise to the public for the period that the old system was out. It really was a problem, and we tried fixing it. Unfortunately that did not work and we ultimately

had to replace it. But that is in place now, and it seems to be working okay.

A new computerised energy management system is at present undergoing testing before it will be fully accepted. There has been an expansion of the staff parking facilities (and this should be completed this month) which will double the capacity to approximately 150 vehicles. Included in the expansion is a reconfiguration of the holding and queuing area for taxis and pre-booked transport vehicles that will provide a safer and more efficient loading area. That does get congested at times.

On the security side, the United Kingdom has appointed a regional aviation security advisor to assist the Overseas Territories (UKOT) on aviation security matters. As a result, a new national aviation security programme has been published and implemented. The Civil Aviation Authority has also recruited a former police sergeant that now fills the post of our chief airport security officer. I know that in the early stages the tightening up on the security that has now been introduced at European standards, which exceed in some areas that of North America and the US specifically, did cause some concern or discomfort. I apologise for that period.

We were very happy that the worry over having our equipment and our systems Y2K compliant went off well. We had no failures or problems in that area.

Perhaps the most important aspect of the Civil Aviation Authority was that in 1997 we were audited by the United Kingdom. As a result we were granted a Federal Aviation Authority Category 1 status enabling Cayman Airways to expand its route capacity into the United States. For some time we held the position of being the only Caribbean country that had a Category 1 status, the highest status we can have. That, in itself, speaks well of the good staff, the good systems and the up-to-date equipment that ensures the safety of the air corridors, not just above these islands, but in the near vicinity of these islands.

The Flight Operations Department in 1997 saw the recruitment of a Transport Canada inspector who came into the post of Head of Flight Operations. By early 1998 an in-house flight operations department was fully operational. More recently, we saw the conclusion of a safety oversight audit, which was carried out by the UK surveyors last year (1999). They found and concluded that the department was up to internationally recognised standards, which will ensure that the category 1 status for the Cayman Islands will be renewed.

There were some wild rumours, which either referred to this or to the Air Rights Bilateral Agreement that said there were problems in those areas, which may affect the Cayman Islands. That is not true. There are no problems. And, like I said, we have been audited as recently as late last year.

Our aircraft register for the first time has exceeded 100 registered aircraft since its formation. On air traffic services, three air traffic control personnel were recruited, trained, and licensed as air traffic controllers, one at Owen Roberts and two at Gerrard Smith. Further, automatic weather stations were installed at the tower

which provide a secondary means of meteorological information for air controllers.

A communications satellite system was also installed to improve coordination with Jamaica and Cuba, those have the air space through which we fly, and the coordination with them was important. A bird deterrent system was installed to reduce the number of bird strikes, but that continues to be a problem especially in some of the summer months.

Maybe I should interject now that I promised the Third Elected Member for George Town that I would make a statement in relation to an incident that involved Cayman Airways flight 205 and the air traffic control tower at Owen Roberts that caused the plane to circle for about 20 minutes.

I have now had the opportunity to receive first reports from both Cayman Airways Flight Operations and the Director of Civil Aviation Authority on that incident. As promised, I can confirm that the Civil Aviation Authority is investigating what took place when a delayed scheduled Cayman Airways flight circled Owen Roberts Airport because the tower was unmanned at the time.

On Tuesday, 29 February 2000, at approximately 1:20 AM, Cayman Airways flight 205 from Miami arrived overhead Grand Cayman and entered the standard holding pattern after failing to get any response from air traffic control at Owen Roberts International Airport. I have had it confirmed that the Cayman Airways pilot explained to passengers that he was circling while he awaited clearance to land and some 15 minutes later he advised passengers that such clearance had been given. This is in accordance with Cayman Airways policy to keep passengers informed and to prevent alarm.

During the period, the aircraft maintained communication contact with Kingston Air Traffic Control Centre until communication was established with the Grand Cayman Air Traffic Control. Both the Director of Civil Aviation Authority and Cayman Airways have confirmed that at no time was the safety of the flight jeopardised. International standards require commercial air transport to carry enough fuel to reach their intended destination, to hold overhead the destination airport for 45 minutes, proceed to their selected alternative airport and to hold an additional 30 minutes. And I appreciate that some of this has already come out in the Press.

Cayman Airways has confirmed that flight 205 that night had more than the statutory requirement of fuel on board, and had the aircraft failed entirely to establish communication with Owen Roberts, they would have diverted to Montego Bay, Jamaica.

I would like to make two points for clarification: The air traffic control services operated by the Civil Aviation Authority provide air traffic control services throughout the official operating hours of the airport which is from 7:00 am to 9:00 pm. Outside these hours services are provided half an hour before a scheduled arrival and for 15 minutes after departure. I would also like to mention that the Civil Aviation Authority has a contingency plan which kicks into place when an incident which is out of

the ordinary, as this one was, occurs. The contingency plan went into effect early on Tuesday morning.

Having said this, and realising the seriousness the Third Elected Member for George Town placed on this, I have had confirmation from the Director of the Civil Aviation Authority (and I so confirm to the member) that this matter is being treated very seriously and an investigation is being carried out. Every effort will be made to ensure that even stricter protocols are put in place to prevent such an occurrence in the future.

Let me say that I am responsible for the Civil Aviation Authority and that department, and I obviously take full responsibility for this. I take it very seriously. I take the points that the member has made and I will ensure that that investigation provides what is necessary for this not to happen again in the future. Hopefully it will not.

Moving on with that department, in Cayman Brac wiring and regulators for runway lights have been installed to replace the old wire and improve lighting capabilities. A voice switch air traffic control voice recorder and new emergency communication lines were installed in the Cayman Brac tower.

On the runway in Grand Cayman the turning bays on both ends of the runway were expanded, to facilitate the movement of wide bodied aircraft. We have seen British Airways 777s in operation now for some time. They have also placed additional approach and runway end indicator lights. Runway and taxiway markers and signs that had deteriorated were also replaced.

On the administration side, we have seen an upgrading of the accounting system, which has provided for improved accounting, more complete audit trails, improved reporting and improved collection of receivables. I would like to take this opportunity to thank the members of the Civil Aviation Authority who put in long hours dealing with serious matters. I thank each and every one of them. I also thank the members of the air traffic licensing authority whom, while they sit somewhat less than the Civil Aviation Authority, also carry heavy responsibilities. I also thank the Director of Civil Aviation Authority and his staff at the airport and the tower for their work throughout the year.

I guess like any staff, as we have seen with the recent incident . . . there will be some scope of human error from time to time. But if that is dealt with properly, backup systems should—as it did in this instance—go into place. It did work, and it did work within a short period of time.

I would now like to begin with another department. The Planning Department has, by anyone's standards, moved to where it is now a very efficient department, one that is well run, has substantially gotten rid of the vast bureaucracy that once shrouded it. It is a department that deals with a very important area of this country's development and, in fact, will be going on to deal with an even more important area which I will touch on at a later stage, the growth management of this country.

As far as transparency goes, and we have heard a lot about this, the Central Planning Authority meets with objectors. Theirs is probably the only statutory authority

that actually hears every objector who wishes to be heard in person and makes available for scrutiny any records relating to the approvals and refusals that it deals with. There has been a continuous increase annually over the last four years with the number of applications for development in all sectors. That is in line with the fact that the economy has been good. People have been able to build more houses. There's been more commercial development. But it's all been within a development plan, which I think the Lord was able to be amended two years ago after nearly 20 years of being in force.

The department has now reached a stage where over the last four years we have processed a total of 4,066 development approvals with a total value of over \$1.2 billion. The Planning Department has worked continuously not only to process the increasing workload, but to also improve the level of customer service the applicants receive.

Respondents to the customer service questionnaire (transparency, once again) which was conducted in 1997 indicated that the time to process routine matters such as single family homes, and final certificates of occupancy was too long and costly to the applicants. In direct response to that public input, the department in consultation with the ministry received permission for the delegation of approval authority for routine matters and final certificates to the director of planning. This move reduced the processing times for some of these applications for up to seven weeks.

It's one instance where as a minister one has to trust one's staff. And where delegation can be done as in this case which assists the public, it should be done. Going along with that is the fact that if there is an error by staff, that is my responsibility. I take, as I have just done, that responsibility seriously.

The delegation of approval of the authority was recognised as a significant approval in the customer service by the inaugural Governor Owens Awards. The department in conjunction with the ministry has committed to continually reviewing the way it does business with the focus on improving the level of customer service its clients receive. These continued efforts have met with very good feedback from persons who are applying for planning approval or for final certificates of occupancy and other matters at the department.

The department has also sent officers for training and further education because this is very important. As an example, we have seen a clerical officer from Cayman Brac who is pursuing her undergraduate degree in planning, while the assistant director of long range planning has nearly completed his executive masters of business. Two additional members of staff are also expected to go on study later on this year.

The department has received a connection to the land information system, allowing the department to produce its own maps in house. This has been a tremendous help to the department and also to the public, both in terms of time and cost, and especially where it had been necessary in the past to deal with plans manually.

The planning department has also introduced a building permit system furthering the departments role in ensuring that development meets basic life safety standards. As you know, we also introduced for the first time the building code (which is the Southern Building Code of the United States), and under that we have in relation to training in several areas we now use the examinations system from the United States.

Also, the Planning Authority annually attends seminars in the United States relating to the Southern Building Code and this has been a tremendous help to those members. Undoubtedly the most important aspect of these four years in relation to planning has been the unanimous passing of the Development Plan 1997 by this House, in November of that year. That is something that took 20 years to do. I know how difficult and politically dangerous a development plan is. That's why it had not been achieved over the 20 years prior to 1997. The first plan was in 1977, of which (I guess I am getting a bit ancient here) I had a direct hand in the middle of an emergency situation in assisting with putting it together and the drafting of it . . . I must say that it stood the test of time, but was very much out of date.

I have tried to do a review of that plan, as I undertook to this honourable House and the public. And that is now in process where it will be going to the Planning Tribunal for hearings on matters other than the area relating to the wetlands which, as you know, has been in controversy and is now subject to an appeal.

It is so important that the National Trust as well as the landowners in those areas attempt to get together and find a resolution to this problem. There is already some protection on that land, but on the one hand, while I understand the view of the National Trust protecting as much land as possible for future generations, and I fully support that principle, I also support the principle that you must not take a man's land except in rare instances. And if you do, you must fully compensate the owner of the land in accordance with the law.

I believe that there is a solution to every problem. Some take longer than others. With the original development plan it took 20 years. But, thank the Lord, we do have a development plan for these islands, which is updated. I hope that some midway compromise can be reached so that land which owners wish to sell and which the Trust wishes to preserve could reach a stage where that could be achieved by both sides. I will do everything that I can. I have met with both the Trust and landowners. I know that other members of this House have as well. We can assist up to a certain point but the duty really lies on the parties to try to reach a compromise. Life is not perfect. We all face times when to achieve something we have to give and take a bit.

In 1977 (and I think you know the history of this as good as anyone else, Mr. Speaker) the plans for Cayman Brac and Little Cayman were not dealt with. There were several reasons for that at the time. Up until this time there still is no development plan for those two islands. I did try. The process for development plans is that the Central Planning Authority Development Control

Board, the department, will prepare plans which are not just physical maps but also have written guidelines and regulations.

We did these following the democratic process . . . in fact going a bit beyond what is required by the law, having meetings with the public in the two islands and then they were released to the public in January of this year. Opposition to those plans has been received and I hope that we can find some way on a compromise basis that we could get in even a part of those plans.

I understand that the one in Little Cayman follows fairly closely a plan that had been prepared by my friend the Third Elected Member for George Town back about nine or ten years ago. It follows extremely closely to that. It was one that I hoped we could perhaps amend in some way to satisfy the public. However, at the end of the day, my duty is to be politically bold enough to prepare plans or have them prepared, and get them out to the public. It's up to the public whether or not they wish to have them. I will abide by the public's wish.

I do believe that it is important to the future of Cayman Brac and Little Cayman that we have some type of plans in place so the development of those two islands can be done in an orderly way to the advantage of the public. The only way to guarantee that is to have some sort of guidelines or plans that are acceptable to the public in relation to the physical land development.

We have seen also considerable improvement in the electrical inspection department with amendments to the regulations. In fact, I think we also amended the law sometime back. The level of service in the building inspection department has been increased. We have had the addition of a second planner and we have had cross training of the planning officers in the building inspection department. We work continuously to improve the level of service offered here as well as in Cayman Brac.

We also have had the recent addition of a clerical officer in Cayman Brac, which I understand is now fully staffed. We are expecting to see a continuation of the increase in the level of customer service.

The Chairman and members of the Central Planning Authority . . . and, by the way, many of them have been on that board since three governments ago. Many of them went on there well before this government came in. I believe that continuity is important with my boards, including the Education Council. There are members on that who have been there for 18 years some of them. New ones have come in after, but I believe that experience in continuity does have the advantage of strengthening the board. I know if you want to look at it negatively there is a saying that maybe they should be rolled over often. But if you have good people why roll them over? That goes to any type of rollover we may be talking about.

I would like to thank each and every one of the members of the Central Planning Authority and also the Cayman Brac Development Control Board for their hard work, their dedication and for especially dealing with the development plans. This has taken a lot of extra work and they have had to do this unpaid while also dealing

with their own areas of work in the community and in their own businesses.

I believe that the improvements to the Planning Department here and in Cayman Brac have been a vital part of the success of this country. Unless there is planned development, it is not possible to deal with projections over any period of years. But I am happy to say that not only have we done the development plan here, which should last or will last by law at least five years. We have also seen that there has been a serious reduction in bureaucracy. Bureaucracy is something that I have no time for. I have so little time in life that I quite frankly don't really have time to waste when it shouldn't be wasted.

We have seen the increase in speed in which approvals have been done. But we have also seen a considerable increase in the efficiency of those departments. While they are not perfect, basically 90% of the feedback I have had on the department here and also the Brac only more recently got staffed, but here it has always been good. In fact, I think there has been a further award by the Rotary to someone in Planning.

They are efficient. I must thank our Director of Planning very much, an extremely efficient gentleman, very courteous, smaller than I am physically, and that is saying something, I guess! But really, he along with his good staff has shown the government how to effectively take a department that was probably spending 80 or 90 days to deal with planning approval generally, cutting that down well beyond the half. It takes about three weeks for statutory objections. But to also take on the direct responsibility himself of dealing with minor approvals, but which are important to the public, house plans, dishes, storage buildings, which has helped considerably.

The department has also increased its revenue considerably. I know that we helped them on that by increasing some things. But it is now in my opinion in extremely good shape. I spent about a year where I could not figure out why it took so long not just on planning approval but on appeals. Appeals were running seven to nine months before they were coming up for hearing. I tried, and I tried, and it was difficult just probing to find out where the problem was. Ultimately, we were able to bring in (and it was first introduced into the planning appeals by a student during the summer) a tracking system. That system showed me where, when, and with whom the problem arose. If you cannot find out what the problem is, you cannot fix it.

I wonder if I may break here, sir. I see it is a bit after 1.00.

**The Speaker:** We shall suspend proceedings until 2.15.

#### PROCEEDINGS SUSPENDED AT 1.03 PM

#### PROCEEDINGS RESUMED AT 2.36 PM

**The Speaker:** Proceedings are resumed. Debate continues on the Throne Speech. The Honourable Minister for Education, Aviation and Planning, continuing.

**Hon. Truman M. Bodden:** The other area on planning that I would like to finish on relates to how to efficiently manage and run a department.

When planning came to me a few years ago (maybe three years ago) the delays in the appeals were probably running about nine months and probably 90 to 100 days in planning applications. During a summer, a student in a very short period on a PC set up a review tracking report. I would like to show what has developed from that at the Central Planning Authority.

This report has one line only for each application. It first has a column for the application number, a column for the file number, the block and parcel, the name of the applicant, the date the application was received, the development type, the value of the application, the assigned planner, the department contacted, the date the memorandum is issued, the date comments were received, the date the planner made recommendations for the CPA, the date of the CPA meeting, or administrative approval, the CPA meeting number or administrative approval, the decision of the CPA, the date the letter is sent, and the remarks. At any one time it is possible to take this tracking report and see exactly where it is being held up, or where the problem is.

The effectiveness of this was seen in the appeals. When I produced this the first month, I sent it across and I saw where the problem was. And the next few weeks I did the same thing. At that stage both the person who was the delay in that could see it was that person, and the person delaying it knew that I knew, and knew that the Director of Planning knew. The Chairman of the Board knew where the delay was, and after about two months the time on the appeals slowly started coming down. It dropped to about four or five months and kept dropping each time I sent one of these in until finally it got down to where it was somewhere within the law and maybe everything would be prepared and into the appellate body within about one month.

The effectiveness of this (and sometimes people regard this as too simple) . . . but unless there is an effective review tracking report to tell you where the problem is, or who is causing the delay you can never correct it. This is why if someone knows that their boss knows that they are not doing their job then something results from that—either that person comes and says he needs more staff, or training, and then the duty of the department is to assist that person in ensuring that he or she reaches the required standard.

This is something that I didn't invent and it is not just used in planning. It exists in private business. But if this were put into other areas where there are delays, whether that be in areas such as applications coming in for immigration or other areas such as applications being made to a statutory authority for specific purposes it is very easy to look at this and you can tell where the inefficiency in the department is.

I hate to stress this again, but too often people who are in charge of departments sometimes do not know exactly where the problem is. This type of document shows where the problem is. If you don't know the spe-

cific problem, you can't correct it. The first goal is to find the problem; the second goal is to correct it. I am happy to say that I normally get them monthly and I go through them. At any time the director or someone in the planning department can pick this up or go into the computer and get records of this, which would then be up to date.

Talk arose about the pensions and the pension fund. That was dealt with in some depth last year in the budget. I would like to stress again that this government has been the only government that has dealt effectively and honestly with the pensioners of this country. We have increased the pension fund from seven years ago when we came into office from about \$7 million, which at the end of this year will be up to \$76 million—an increase of \$70 million. That's made up of money put in by government for present staff, the percentage that the staff also put in, the percentage for past pensions.

What's so interesting about this . . . and, by the way the honourable Attorney General clearly ruled legally that there was no statutory duty to fund past pensions. So let's understand clearly that this is the government doing this without a statutory duty in relation to past pensions.

At the end of last year, we were told that the fund was making an 18% return, which would be in the area of \$11 million or \$12 million per annum. The cost of funding past pensions and current pensions is under \$6 million. So the fund at present can pay for present and past pensions and accumulate an extra \$6 million. Therefore, it has come to a really fantastic stage.

Now, a review has to be done to calculate what, over a given period of time, needs to be put into the fund, and over what period will it then become fully funded. It's also important to note that nothing is coming out of this fund. The full fund remains because the government from its recurrent revenue is paying for past and present pensions. So, what is happening is that the fund is increasing in any event, substantially nothing is coming out of it. I am sure that no other country in the world has a pension fund that has been funded so rapidly.

Something was said that this could have been put in to the general reserve. Of course, we could have put it in the general reserve. But, you know, at the end of the day if you owe, say, \$50 million for pensions, and you put the \$50 million into general reserve, it's six of one, and half a dozen of the other. If you need that \$50 million for pensions, you are going to have to take it back out of the reserve anyhow. What had happened in the past—until this government came in seven years ago—was that the liability to pensioners was substantially ignored. There was no money in the pension fund.

The overall position must be looked at. While the general reserve is not what it should be, and I will be the first to admit that, it would have been shortsighted of us to put, say \$30 million inside of the general reserve. But then the pension fund would have been less that amount. At the end of the day, it's all money, regardless of which fund it is in. I think it is a fantastic achievement for a government to have taken and sacrificed in many other areas where we could have gotten political mileage. This money didn't even need to go into the general

reserve. It could have been spent—as past governments did—on capital or recurrent expenditure, whatever. But we chose not to do that.

I know that future government will thank this government for what it has done because at the end of the day some government will have to fund this pension fund. I ask the public to look at the prudence that has gone into this, to realise that in seven years getting an increase from \$6 million to \$76 million—\$70 million increase in seven years! And with income coming in that is twice the amount necessary for present and past pensions. In other words, the fund at present is self-sustaining on past and present pensions at this time.

Obviously, to begin taking more than the excess income of \$6 million out at some stage would obviously require further funding. But, presently, the government is in a good enough position to pay for past and present pensions of \$6 million directly from the budget.

One member talked about the type of person that should run for office. I think he said words to the effect that if a person can't run their own business then why trust them to run the biggest business in the Cayman Islands, the 300-and-odd-million dollar business of government. That's quite right. Talk is cheap. It is quite easy for anyone to stand here and criticise what any government does. But where are the solutions? The bottom line is where are the solutions. Believe me, people who can't run a little business . . . you have to be naive to let them run a big business.

So I agree with that speaker from the backbench that it is so important, especially with this upcoming election that the public look carefully at the ability of people to actually do things and produce solutions. Anyone can criticise, but it takes a capable experienced person to produce solutions and effectively run a big business, and government is an extremely large and complex business.

As that member mentioned, the voters should ask themselves *'if I am going to vote for that person to run this country would I put him in to run my business?'* If the answer to that is no, then I can assure you that you better say no to putting him in to run the country. If the end of the day, if the country is run into the ground, then your business is going to be run into the ground along with it.

Like everything else, experience in running government can only be gained to a large extent in government. So, I agree that it is so important to look at what has positively been done. Remember that you don't run a business on negative approaches. Anyone can criticise. Anyone can spend money. But it takes someone with ability to make the money and come up with solutions to problems. I can clearly say that literally all of the solutions in this country over the past seven years, and the positive approach to things has come from this government.

As the saying goes, talk is cheap. And a minister told me many years ago "I'd rather see a sermon than hear one any day. I would rather one should walk with me than merely show the way." Talk is cheap! Positive actions are what are necessary to run the country, and

what have gotten this country to the good position it is now in.

By that, I don't mean there should be no criticism. What I am saying is that if someone says this is no good, then if they don't have a solution they are not helping to build the country, they are helping to tear it down. This is still the best little country in the world. Those who don't appreciate that, and don't appreciate the great distance we have travelled in such a short time, then they can't recognise the past. They have no way of trying to guide the country into the future.

There was considerable criticism in relation to the group that went to Washington not getting out a press release before we left. For that I am sorry. But I think this has to be put in the proper context. Since the middle of November, we have been in this honourable House continuously. The day we are off on Tuesdays, the government has Executive Council. I'd ask anyone out there running a business to put themselves in the official and elected ministers' position where you are out of your office every day for about four months. Tell me how much you can get done. What is happening is that the business of government is being hurt because the eight official and elected ministers cannot get to do their work because they are inside of this Legislative Assembly.

I leave here and go out . . . I was in the middle of trying to deal with Cayman Airways or Planning, members in this House, and this is especially true of The First Elected Member for West Bay, who, by the way isn't here today. But I don't get up every half-hour and say the member isn't here. Every time a minister goes out to see someone or do some business, people are jumping up saying the minister is out. We have to carry out the business of the country.

In this case of the Washington trip, we finished this legislature late on Friday. I spent just about all of Saturday, when GIS or government does not work, trying to deal with preparing for the Washington trip. We went off on Sunday. Got into Washington, went into very serious and high level talks. To be frank, I didn't remember it. These things are going to happen. But what we should not let happen, and this is what helped to destroy the eastern Caribbean countries, is to be tied inside this honourable House month after month. I believe we sit more than the Parliaments of Canada or the United Kingdom—big countries, which have 600 or 700 MPs and where they rotate with 60 or 80 in at a time.

What happened to the eastern Caribbean countries 15 years ago is that the government was so handicapped by not being able to do the business of government that the country suffered, which means the people suffer. There is no way that ministers . . . and, Mr. Speaker, I walk around with two of the biggest briefcases anyone has ever seen. I carry them home every night. I work on weekends. I work before I come here. I work after I come here. I work inside here. But the ministerial position is a full time job. And it cannot be done by taking several months out at a time. Something must suffer. In this case, it was something relating to the press.

Now, I hope the press will have a bit of sympathy. If they were out of their office for four months, I wonder how many press releases would not get out. What I am saying is that we are doing as much as we can. But we have to be careful, this is the fourth month, that what happened in the eastern Caribbean . . . and I am not saying that anybody is intentionally doing this, where the government ground to a halt because all of the time was spent in the parliament and they could not do their jobs.

So, I am sorry that we forgot to deal with this, or we were not able to do a lot of things. We got a bit of criticism because it was nearly a week after we got back that we could get a report out. But when I came back, I came back to problems. Before I even got back, I had to try to deal from Washington with problems I had in areas of my ministry, Cayman Airways and other areas. You can do just so much as one person, and no more.

Really, that's all I am saying. I don't need sympathy because I work all the time as much as I can. I am just saying that there has to be some understanding of reality. If we are going to spend our time in here we can't spend it in governments doing things.

If someone calls for me, I am not there. Many times I make the call the next day. I always return all the calls, but sometimes there are delays, like this lunch period when I normally would have made a lot of calls, I had to prepare for this because I was doing other work. This is one of the things that we find.

I will talk about the OECD, FATF, EU, G7 and those at a later stage.

Education: I have no doubt that the education system in this country can be put up against the education system in any large country. The parents out there recognise it, regardless of who else does. The education system of this country is good. The proof of that . . . and, Mr. Speaker, I get so tired of hearing about transparency, and I am going to deal with that. Those who preach it don't do it, and I am going to show that.

We have sat inside of that committee room (and I have to look up the Standing Order), where we can hold it in public. And every member of this House, rather than being transparent and holding it in the public, sits inside of there with the power and deals with it. I get so tired of hearing about it. I better develop that at a later stage when I look up that Standing Order, because transparency . . . and this comes back to the point I am making, that talk is cheap. Charity begins at home.

The Finance Committee of this country became public because of a motion that I put some years ago. But every member of this House, including the backbench with a majority in many of those select committees, sits in secret. Transparency? Nobody thinks about that. Now I am hit about transparency with education or other areas, because it is continuously levelled.

What has been accomplished in education? I am going to be brief, and keep this in nearly a note form for brevity. From 1996 to 1999, on facilities, the following projects have been completed:

- ♦ Construction of a teachers' centre in Cayman Brac



- ◆ Construction of a staff room, Principal's office and one classroom at West End Primary School
- ◆ Construction of a 2 classroom blocks at Creek Primary School
- ◆ Construction of a School Hall/Hurricane Shelter at John A. Cumber Primary School
- ◆ Construction of a Library, staff room and administration suite John A. Cumber
- ◆ Construction of a 4 classroom block at George Town Primary
- ◆ Construction of an administration block Red Bay Primary School
- ◆ Construction of 2 additional classrooms at Red Bay Primary School
- ◆ Creation of school athletic field at Red Bay Primary School
- ◆ Construction of a 4 classroom block at Savannah Primary
- ◆ Construction of a bus shelter at Bodden Town Primary School
- ◆ Construction of a 2 classroom block at East End Primary School
- ◆ Construction of exterior wall and parking lot at North Side Primary School
- ◆ Construction of a 3 room art block at George Hicks High School
- ◆ Construction of new changing facility for PE at George Hicks High School
- ◆ Purpose build kitchen at George Hicks High School *(should be completed this month)*

That's the other thing, Mr. Speaker, I really feel bad . . . and let me make this clear. I know that you do everything you can to make this House keep moving, and you are very flexible at times, like yesterday in allowing us to adjourn early. And I appreciate that. But I cannot get time to go to the schools during school time because I am here. By the time I get out of Executive Council on Tuesdays, school has let out.

Also, there has been air-conditioning of all primary schools on Grand Cayman and Cayman Brac. I know the parents and teachers appreciate that and the students, especially the young ones, appreciate that. We have also air-conditioned the school hall at the John Gray and the Islay Connolly Hall and also the hall George Hicks. It took some time because in some of the older schools extensive electrical work had to be done before the air-conditioners could be brought on line.

The following projects are either in the plan stage or physically started: the Lighthouse School and the planning for the new High School.

On the curriculum side, we initiated the creation of the National Curriculum in 1996, and I have answered this in depth and I don't intend to go far into it. But 75% in the core subjects was completed in 1999. I think that's quite an achievement.

We have completed the development of the pre-school curriculum guide. There has been a reintroduction of the spelling bee competition. There has been continued excellence in the National Children's Festival of the

Arts. It would be good for all members to come out and have a look at things like the Children's Festival of the Arts. It's really some fantastic work they are doing. The teachers and the parents put a lot of effort into this.

We have introduced the Week of the Young Child. Expanded the Book Fair to where it is now a daylong event. We have developed learning packets in Years 1 to 6 for Cayman Social Studies. We have increased the music teachers at the primary and secondary level, which was something parents asked for.

On the administration side, we have established Education Services in Little Cayman. We have seen the creation of a National PTA HAS. I am very happy to see that because it fills a very important role of centralising and pulling the respective PTAs together. Speech Therapy services have increased by 35% to include Cayman Brac. Psychological services have increased by 100% over four years. Special Education staff was increased by 100% over three years. And hiring of a facilities officer to improve maintenance in all the schools. This is perhaps the best thing that ever happened on the physical side. That gentleman is a fantastic person with unlimited energy.

Creation of a steering committee to oversee the capital works projects. And we have initiated island wide opening of in-service programmes on both Grand Cayman and Cayman Brac.

On the student achievement, we have introduced standardised assessment in primary schools and the middle school. That's a very important step. There has been continued improvement in the examination results. For the first time in the Caribbean, we had one winner of the Commonwealth Essay Contest. We have had one winner of the Caribbean Examination's Council Best Short Story Award. And at we initiated the Cayman Scholar Award and we now have two of them who have distinguished themselves at the tertiary level. Over the three years, 145 students have been awarded scholarships to study at institutions.

The policy of the Education Council is that students who can qualify for scholarships get scholarships. Not necessarily full scholarships, but they are helped as necessary within their means. I would like to repeat that especially teachers and nurses who are Caymanian are given first . . . well, I shouldn't say it is first priority, but they are on the top priority list. But because everyone gets a scholarship, it makes the priority less important because of that. But we do really encourage everyone who can get a scholarship to take a scholarship especially in the area of education and . . .

Also important in this is despite the talk of the \$50 on school books, every child who either needs a lunch or a breakfast for that matter, or who needs uniform or books, pens, pencils, whatever, gets that. Nobody is deprived of it. I repeat that the policy of government is not to make a child suffer because of the financial position of the parents. Our duty is to assist the children to ensure that they do not have to worry about a meal or a uniform, or about supplies, books, whatever.

You compare that to any other country in the Caribbean and you will see the difference. I have been to some of those islands. We talk here about being overcrowded. Mr. Speaker, we haven't seen what overcrowded is. I have seen schools where there were 40 or more children in classes. I am not criticising the country. That's probably the best they could do. But this is a country that probably 12% of its revenue goes on education. That has to be one of the highest . . . and I may be out slightly, but has to be the highest in any country. So, children are protected in the education system.

At a later stage I will talk about discipline and show how protection extends as far as we can go. But, as the saying goes, to raise a child you need a village. It takes effort, a lot of effort, from parents and society to ensure that the children who do stray . . . and I want to repeat that we have to look at the positive side of this. We have more good children in this country than anywhere else in the world. And nobody acknowledges that. We come in here day after day, spend our time on the children, probably 10 or 12 out of 850 in the school, that create the problem. We have to spend some time on them, but I am saying that we also have to acknowledge the good children out there. The vast majority of children in this country are good. They are obedient. They are smart.

We also have to acknowledge the many family units, the parents who do so much for their children. We always hear about the few who may be neglected. In every society that will be, but please acknowledge that there are so many good ones who far outweigh the few who have problems. We have to do everything in our power to deal with them, I guess if I can ever get the site back for the alternative education we can perhaps get on with more effectively dealing with alternative education.

The Fourth Elected Member for George Town spent quite a bit of time talking about the technical and vocational side of education. I will be the first to admit that no matter how much one has done in education, there will always be more to do. We can never do enough for the children of this country. But let us analyse the position in a factual way.

At present, technical and vocational courses offered through the George Hicks High School, the Cayman Brac or the John Gray High School (and I am bundling them altogether, they are not all offered in every school, obviously) are as follows:

| Year 10                     | Years 11 and 12                   |
|-----------------------------|-----------------------------------|
| Office Studies              | Building Technology               |
| Introduction to Accounts    | Technical Drawing                 |
| Craft and Design            |                                   |
| Information Technology      | Woodwork                          |
| Introduction to Typewriting | Traffic and Motor Vehicle Studies |
| Introduction to Business    | Materials Technology              |
| Home Economics              | Electricity/Electronics           |
|                             | Graphical and Material Studies    |
|                             | Child Development                 |
|                             | Child Care                        |

|  |                        |
|--|------------------------|
|  | Food and Nutrition     |
|  | Food Studies           |
|  | Information Technology |
|  | Office Procedures      |
|  | Principles of Business |
|  | Principles of Accounts |
|  | Word Processing        |
|  | Business Studies       |
|  | Typewriting            |

When I went to school, nothing on this list was there. In fact, in those days, one was lucky to have much more than one teacher for each very large class of each very large Year in the school.

We are constantly updating. And when I deal with the five year education strategic plan I will show that a plan is a living thing; it is not set within the corners of five years and must be completed at the end of that five years and that's done. The same as we make change from day to day in other areas, we make changes in the education plan. With this, we are also looking all of the time at updating. We are re-thinking the various subjects. We are revising as well these vocational and technical areas. There has been progress in the core curriculum areas also at the primary level.

During the past 12 months, the Community College has had five new programmes introduced, four of which fall under the category of vocational and technical training, namely: legal secretary's certificate, certificate in nursing, office administration, and condominium management.

During the 1998/1999 academic year the College offered 9 technical and vocational programmes, 13 programmes in the associate degree level, and 160 short and long-term courses through the extension services department or evening classes. Technical programmes basically cover the same wide area I read before.

A lot of on-the-job training is offered through the College. It also works with industry, the Chamber of Commerce and businesses to put on short term and long term courses specialised to the needs of the specific industry. The fees are low, \$370 a year. And we also now give scholarships to Community College, ICCI, our Law School for Caymanians who qualify for the Bachelor Degree.

I guess if you are really looking at success, it's in the fact that over 90% of the graduating class at John Gray in 2000 plan to attend the Community College. It's very popular. In fact, in 1998 we had 1512 students enrolled in 166 courses offered through the extension studies. I would also like to clear up another myth and point out that the enrolment figures for the College for the last academic year show that 80% of the total enrolment was Caymanian irrespective of the level of the programme.

It is not that strides haven't been made in the vocational and technical side. Now, let me be very blunt. A decision was taken long before I got responsibility first for education in 1976 that education in this country should be comprehensive. That is, there should be no distinction within the schools, creating a school that dealt

with technical and one that continued on with the arts side of education. I think that that decision was right. It was not my decision. If you now try to create a technical college . . . and, not only have I looked at that but experts have looked at it . . . within a small society it is going to create the type of segregation that would not be good. Then the criticism would be levelled by those same members who are talking about the difference between those bright ones who may attend one school and others who may attend the other. I am satisfied that the decision was right to deal with the vocational and technical within one system.

The one thing that seems to always be levelled at the government is this whole question about transparency. Believe me, in my 20 years in politics if there is anything hid that the public does not know about, I don't know about it either because, especially in this last seven years I have had everything in the world levelled at me, but nothing substantiated. I have done everything I can to be open to the public. One area it can never be levelled at is education.

If I wanted to hide anything, would I put an inspector into every school in this country and give the report to the press? I sometimes believe that some members of the opposition who level this (and I don't want to call them individually, they know who they are) sometimes must have nightmares and the only thing that comes back to them is their transparent view.

Some time ago the press wrote an editorial that I will never forget in my life. I have read it before, and I will read it again.

**“Last month with very little fanfare, reports on three local schools assembled by the School's Inspectorate were released to the public.**

**“The inspectorate, a wholly independent branch of the Ministry of Education, came into operation in 1997 [obviously, I was here in 1997], its job to monitor and report on educational standards in Cayman. The publication of the Inspectorate's first three reports, for distribution to the schools and parents, is a highly significant moment in the history of education in the islands.**

**“The ministry had a choice to publish or not, and, to its great credit, chose to do so. Going public with the strengths and weaknesses of local schools is an admirably positive step towards transparency and accountability within the education system. It has meant that, for the first time ever, objective and independent assessments of standards at local schools are available to parents. That is information that all parents and guardians in every country deserve—or perhaps have the right—to have, but too often do not.**

**“Publication of the reports establishes the honesty of the Ministry of Education, gives much credibility to its stated aim of raising educational standards, and encourages trust between the Ministry and parents.**

**“Now the reports have been published, the schools are using their own self-assessment reports**

**in conjunction with the Inspectorate reports to produce action plans. The purpose of these will be to bolster areas which have been identified as weak. The Inspectorate is to monitor the implementation of the action plans, and each school will continue to evaluate its own work on a regular basis.**

**“If staff at the schools concerned can remain motivated to see through their action plans in the coming months, it seems likely that real improvement in standards will quickly follow.**

**“It remains to congratulate the Inspectorate staff for carrying out its mandate with such thoroughness and professionalism. The inspectorate reports—detailed, concise, and objective as they are—provide an extremely valuable framework for upgrading the quality of education in the Cayman Islands.” [Caymanian Compass, 24 November 1998]**

That is the first time that was ever done here, and the first time it has ever been done with institutions of that sort. And in many countries it still is not done.

I don't have anything to hide. I am as transparent as they come. Somebody as thin as I am has to be transparent!

What have I done next? We have done a review along the inspection process of the Education Department. They will produce a report, and I am sure that that report (whether I am there or not . . . I should be there, God willing) will come here. And let me say that I could put any one of the members in this House, give them the tones of documents, and believe me, they wouldn't find their way through it.

I have requested inspectors to go into the schools who are experts and find the problems in them. But the positive side provides solutions. One thing I made abundantly clear at the beginning of these processes is that it is not to be a witch-hunt. It must be positive, it must define areas that need improvement and it must assist the people and the schools with improving themselves. This is so important. So, this is a positive approach. It's open, transparent . . .

The *Caymanian Compass* on the 28<sup>th</sup> had an editorial headed “Promoting Positive Change.” This is what it says: **“It is unusual, at least for the Cayman Islands, that a government department should be reviewed by outside experts.”** I thought about that for a long time, but with everything that's leveled up in here, a lot of these people sometimes believe that to get total independence you have to go outside. Fair enough.

**“The Education Department, it was recently announced, is undergoing such a review, patterned in many ways on the school's inspection process.** [which is what I just talked about]

**“It is a project that should be closely watched throughout the public service as well as the private sector.**

**“Entities in both sectors can become hidebound doing things the way they have always done because that is the way things have always been done. Others embrace every innovation without necessarily mak-**

ing sure first that the new is indeed better than the old.

**“In both cases it is often difficult for the people involved in these entities—departments or whole businesses—to zero in on where change is needed and where the tried and true should prevail.**

**“Sometimes the shortcomings are well recognised within an organisation but for one reason or another, change is not implemented.**

**“In both scenarios the views of an expert outsider working with the people inside the organisation may well provide the fillip for positive development.**

**“The system is working well with school inspection. [Three years later! And if the press is happy, I don’t see why the politicians in here shouldn’t be happy!] If the education department review produces positive results, other departments and organisations might be motivated to follow suit.”**

I am going to deal with the question of transparency generally, but I have done everything I can. I have put the faults of the schools out there basically on a plate for member to look at. I haven’t hid anything. But it has been done in a positive way. And I keep coming back to this.

If members of this House and politicians out there expecting to run this country . . . a positive attitude has to be taken. If I sat here day after day and spent my time trying to figure out why I couldn’t do something, do you think I would achieve anything? If I spent my whole time criticising without saying what the solutions are . . . and I say that to show that the school inspection system is based on positive approach and the production of solutions to the problems. Yes, you have to find the problems, but most fools can find problems. It takes a fairly smart one to produce solutions. Where are the solutions?

If you can show me any solutions of any consequence that came other than from the government, then I will look at it.

Now, Mr. Speaker, there was a very harsh criticism of the education strategic plan. That criticism is unfounded. One member said words to the effect that the 1995 to 1999 education plan meant that it was intended to accomplish what the policy set out within that time, and not half of it is accomplished.

First of all, there is a basic misunderstanding of what a strategic plan is. It is so basic that it’s the difference between being dead and alive. It’s that extreme. The education strategic plan was never intended to be a plan that would be finished within the four corners of five years that it originally spanned. If it were meant to be that, then this would achieve practically nothing. It would be a dead plan! It would no longer be alive. In a country where we are talking about planning, how can you plan for five years, run it within five years, stop and then turn out another plan for five years? That has to be a short-sighted approach, and, as I said, a dead approach.

Let me say that it’s not Truman Bodden’s plan. This is a plan of the vast majority of people in this country. It is a plan of 353 people that produced it, accepted by me, fully accepted by my ministry, accepted by this honour-

able House (and I thank them for that). But it’s a plan that is updated annually, with the exception of the year that it was not, and I explained that. Yes, but it was during the stage that Vision [2008] was going on. I will deal with that. I have accomplished my part on that, thank the Lord. My ministry has, my permanent secretary has and I too will be dealing with that and where it is going.

But the important thing is that this plan is meant to be a live plan. It’s meant to be amended, to be changed to suit the needs of the country’s education system from time to time. So it is really ludicrous to talk about this should have been finished within the four walls of the five years. In fact, I will go on to show what is being implemented. I know this is going to be a bit tedious, but I would hate to see the national education plan destroyed through a misconception or wild statements made by a member of this House.

Mr. Speaker, strategy 1 says, **“We will establish a national curriculum the standards at every level which will fulfil the needs of students of every ability.”** We have either now completed or are in the stage of dealing with the following:

1. To establish national guidelines to govern education policies,
2. To establish a committee which includes a cross-section of society to advise on curriculum content
3. To establish continuity between pre-school and Year 12 for each subject area
4. To provide a wide range of subjects, knowledge and experiences for students of all skills and aptitudes at every grade level
5. To develop locally accredited examination based on the national curriculum at level 3, 6, 9 and 12 to provide measurable qualitative and quantitative outcomes which may be used as a gauge of achievement.

This has not been done. As you know I gave a report on this. The national curriculum core subject should by now be just about completed. There are other subjects to go on. This will come in at a later stage.

6. To provide programmes of work which promote master of basic language and mathematics skills at each grade level
7. To incorporate in the curriculum strategies to promote cognitive, effective and psycho-monitor behaviour, self-motivation, self-confidence, independent and cooperative working and thinking, curiosity and other learning skills.
8. To provide for students who demonstrate an aptitude for the technical and vocational fields programmes which incorporate relevant and integrated language mathematics and science courses
9. To establish a consistent and standardised system of assessment
10. To infuse key elements of Caymanian culture in all subjects of the curriculum
11. To promote a sense of responsibility towards local and global environmental issues

12. To establish criteria to set a minimum standard of competence for graduation from High School.

Eleven out of the 12 have either been completed or are continuing and being dealt with. One is not. I could go on, Mr. Speaker, this is long. But it is not correct to say that the plan is a plan that should not be alive and continuing. I want to just tell you what has been done.

**The Speaker:** If this is a convenient time, we shall take the afternoon break. We shall suspend for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.50 PM

#### PROCEEDINGS RESUMED AT 4.20 PM

**The Speaker:** Proceedings are resumed. Debate continues on the Throne Speech. The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I would just like to go on to deal with one area that was raised by one of the MLAs. It was dealt with by the Third Elected Member for West Bay and it came out in the *Caymanian Compass*, saying **“MLA Condemns Education Department.”** What I would like to do, sir, is to quote from areas of the letter that the department put in because they have, I think, dealt with it in a comprehensive way.

Mr. Speaker, like I said, all of my departments, I am not saying cannot do with some changes, however, I think, the Member went overboard in this one. I would like to first quote . . . I will be just quoting because this letter has gone public. It sets out the department’s position and it says, **“I take particular offence to the Member’s statement that the Education Department is one of the worst run, most unprofessional and inefficient departments in Government. I challenge him to defend that statement with concrete facts. I can state that the Education Department is staffed by dedicated group of professionals who work long hours to provide a direct service and a support to our schools.”**

**“While the tone of the attack seems to be aimed towards expatriate officers, he should know that the staff of the department is predominantly Caymanians who have had long and distinguished careers in our schools. To call them unprofessional and inefficient is completely irresponsible and I feel that an apology is due. If an apology cannot be made then evidence of that inefficiency and unprofessional behaviour should be given to the Chief Education Officer for action.”**

What he is really saying there is, look, tell me where these areas are and if not then to withdraw.

**“The recent undertaking of an in depth review [I dealt with that earlier, Mr. Speaker] of the department was initiated internally and not externally. This whole reason of ensuring that we function the best way is to provide leadership and support for the education of the children of these islands. That report unlike**

**this recent attack will be supported by evidence. Will it show room for improvement? Absolutely! It will and we welcome that criticism for information will be constructive rather than destructive.**

**“The Third Elected Member for West Bay also indicated that the department spent a huge amount of money each year and that he had come to the conclusion that value for money was not being obtained.”**

The Chief Education Officer of the Department then said, **“I think that our recent graduates will probably disagree with that statement and should feel hurt by it.”**

I would again challenge him to submit to the Chief Education Officer or to myself his data to show how no value was obtained.

**“While this attack on the department is perhaps somewhat understandable in the current political climate, I find his attack on foreign teachers to be reprehensible and completely naïve. Had the Third Elected Member had any understanding of the problems in the very small percentage of our children, we would have known that their problems are complex and have their roots in a deteriorating family structure characterised by a distrust for all authorities and not just schools. These students bring their problems to schools, they do not develop them there.”**

It goes on to say, sir, **“The principals and staff at all of our schools have implemented a structured discipline programme that enables the schools to operate properly and over 95% of our students abide by these rules.”** That’s the point I was making, sir—the vast majority of our children are good and there is no two ways about that.

The department goes on to say, **“The school disciplinary code is supported by teachers, principals, the Education Department, Education Council and the ministry. The few students that choose to disrupt the schools become the same few adults who disrupt our society and regrettably end up in Her Majesty Prison at Northward. The inmates of Northward, however, are not representatives of our society and the few disruptive students are not representatives of our student body.”** I think that is a very constructive statement. It is what I made earlier.

**“Regrettably, the Member then went on not only to blame foreign teachers for the short comings [but] to single out teachers from the UK. I fail to understand his logic and would like to point out that all of our foreign teachers are actively recruited from their training and subject to their expertise which brings strength to our education programmes. This includes our teachers from the UK.**

**“For the record I would like to point out that 263 of our 412 teachers are expatriates, that is, 2 out of every 3 teachers. Unfortunately, we are still not attracting enough Caymanian teachers and it is an issue that concerns us all. I will ask the Third Elected Member where he would find these teachers to teach our students. I should also state that 88% of all stu-**

dents in Government schools are Caymanians. That, I think, is a very important fact.”

He says, “I should state that 88% of all students in Government schools are Caymanians and it is our duty to see that they are prepared for the future. Our teachers all work diligently to give of their best to assist our students. They not only teach their regular classes, they teach extra classes, run extra curricular activities, are active in the community and stand up to the abuse of the few students and often their parents in an honest attempt to help our young people. They deserve far better than they receive in this Member’s contribution to the Throne Speech.

“While I understand the political process and I understand the need to get re-elected, I find it difficult to accept this type of political posturing when the reputations and emotions . . .” and that basically was about where—

#### POINT OF ORDER

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, on a point of order.

**The Speaker:** Let me hear your point of order.

**Mr. John D. Jefferson, Jr.:** I understand that the Minister is reading from what the Chief Education Officer had to say about me in the *Caymanian Compass* of today. But I got a copy of the *Hansard* of my speech and a lot of what he is saying, especially the alleged attack on teachers, is not justified.

With your permission, Mr. Speaker, let me read an excerpt from the *Hansard* of what I had to say with regard to teachers. That is, “**The one thing that we have going for us in the area, and that is a key, we have good teachers in the classroom . . .**” Now, if this is a statement that I made, how could the Chief Education Officer or the Minister come to the conclusion that I am attacking the teachers in the classrooms?

My comments were basically geared towards the administration at the Education Department and even the administration with regards to the schools. I was referring to the issue of discipline in the schools or the lack of discipline and my comments were made in that context, Mr. Speaker.

I did call the Chief Education Officer this morning. I told him that he was totally out of order with regard to what he had to say. I also added that I thought he was delving into the political arena, and I was not a very nice person to jump in that arena to fight. So, Mr. Speaker, I believe what is being said is not correct. It cannot be justified because the *Hansard* of this House—which is the official record of what was said—does not support the comments that are being made now with regard to the Chief Education Officer.

<sup>1</sup>**The Speaker:** The position is, in the absence of the *Hansard* I cannot make a ruling on that. I will make a ruling on that on Monday after having had the *Hansard* on which I can see exactly what was said.

The Honourable Minister for Education you can continue.

**Hon. Truman M. Bodden:** Mr. Speaker, I don’t—

**Mr. D. Kurt Tibbetts:** Mr. Speaker, if I may, sir?

**Hon. Truman M. Bodden:** Is this a point of order, sir?

#### POINT OF ORDER

**Mr. D. Kurt Tibbetts:** Yes, it is.

**The Speaker:** What is your point of order.

**Mr. D. Kurt Tibbetts:** Obviously, if you have to make a ruling not having the benefit of the *Hansard* sir, the least should happen is that the Minister should not be allowed to continue to deal with that matter until you have made the ruling, sir.

**The Speaker:** In view of the fact that we have a approximately three minutes, I don’t think it makes much difference either way.

**Hon. Truman M. Bodden:** I wasn’t going to go on with it anyhow, sir. If that is going to cause a disruption, I won’t pursue it. All I would say, maybe—

*[Inaudible comment]*

**Hon. Truman M. Bodden:** No, I am not going to pursue it. But what I may say, maybe the Member needs to look at what the Member reported and what was said.

Anyhow, Mr. Speaker, notwithstanding what has gone on, I will show on Monday that the results in the schools have been fantastic compared with the Caribbean and also good internationally. I really don’t want to pursue this any further. Perhaps, the paper may not have quoted things fully.

Now, Mr. Speaker, what I would like to do, I know we are just about to a stage to stop and I can either just finish reading—

**The Speaker:** We only have one minute so I think we might as well adjourn.

**Hon. Truman M. Bodden:** It will probably be better to just adjourn.

**The Speaker:** I would entertain a motion for the adjournment of this Honourable House.

<sup>1</sup> See page 130

## ADJOURNMENT

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until 11.00 a.m. on Monday.

**The Speaker:** The question is that this Honourable House do now adjourn until 11.00 a.m. on Monday. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. This Honourable House do stand adjourned until 11.00 a.m. Monday morning.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 11.00 AM MONDAY, 6 MARCH 2000.**





**EDITED  
MONDAY  
6 MARCH 2000  
11.00 AM**

*(Total time in Chamber: 2.23)*

*[Prayers read by the Third Elected Member for George Town]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Administration of Oaths or Affirmations. Administration of Oath of Allegiance to Mr. A. Joel Walton, JP to be the Acting Honourable Third Official Member.

Mr. Walton, will you come forward to the Clerk's table? Would all Honourable Members please stand?

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**

*(Mr. A. Joel Walton, JP)*

**Hon. Joel A. Walton:** I, Joel Walton, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

**The Speaker:** Mr. Walton, on behalf of all Honourable Members, I welcome you to this Honourable House for the time of your stay. Would you please take your seat as the Acting Temporary Third Official Member?

Please be seated. Item 3 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have received apologies from the Third Elected Member for West Bay, who is off the island. I also have apologies from the Fourth Elected Member for West Bay who is not well.

Moving on item number 4 on today's Order Paper, Statement by Honourable Members/Ministers of Government. A statement by the Honourable First Official Member responsible for Internal and External Affairs.

**STATEMENT BY HONOURABLE  
MEMBERS/MINISTERS OF GOVERNMENT**

**IMMIGRATION ISSUES**

**Hon. James M. Ryan:** The Cayman Islands Government, being aware of the community's concerns in re-

gard to immigration issues has decided in both the short and long-term interest of the Cayman Islands, to institute significant changes to the Immigration Policy Directives. These directives are issued by Executive Council to the Immigration Board and the Chief Immigration Officer in accordance with the provisions of section 72 of the Immigrant Law (1997 Revision).

Some of the changes, which have been approved, will require adjustments in legislation and will be submitted to the Legislative Assembly in the form of amendments to the Immigration Law

In order to forge greater partnerships between the Immigration Board and local business and to move away from the micro management of work permit applications, Government will now invite companies to submit a three-year business plan to the Immigration Board at regular intervals. The plan will detail how many positions are held by Caymanians, non-Caymanians and permanent residents within their organisation, and which positions are crucial. Companies will also have to outline their training programmes in relation to Caymanian staff and when they expect to be able to place a Caymanian in a position currently filled by a non-Caymanian.

To streamline services and increase efficiency, additional changes to the Policy Directors and Regulations are as follows:

- ◆ In an effort to simplify the procedure for repatriation deposits and to reduce the sums previously involved, which had ranged from CI\$150 to CI\$2,000, a non-refundable flat fee of CI\$200 will now be paid for all new grants. The former repatriation deposit will be held until the employee departs the Islands or no longer requires a work permit;
- ◆ In response to a survey of customers, the validity of temporary work permits will change from the current 60 days up to a period of no more than 90 days. Not only will this serve to improve customer satisfaction but will also reduce the workload of the Immigration Department by reducing the need to process renewals and therefore the time it takes to process applications. In addition, some temporary work permits may be approved in a "batch" for qualifying companies. The Chief Immigration Officer will have the sole authority to granting temporary work permits;
- ◆ The development of a definition of the various classifications of occupation which will require temporary work permits. The Immigration Law does not currently provide any such classification resulting in everyone who enters the country for business purposes to be required to have a work permit.

- ◆ Senior Immigration Officer will be authorised to grant extensions for visitors' permits, within guidelines. This will prove a one-stop service where applications and decision can be given at the counter and will result in fewer delays in processing applications. Previously, and up until now, they were only approved by the rank of Assistant Chief Immigration Officer.
- ◆ In order to simplify the work permit process and increase the speed of processing, the need for personal references to accompany applications for work permits will be abolished;
- ◆ An administration fee will be applied for the submission of appeals to the Governor-in-Council in respect of work permits and Trade and Business Licenses, Caymanian Status and Permanent Residence. This will discourage applicants who file mainly to allow them to continue employment while their appeals are being processed. It will also help to defray the cost in processing the appeals.

With all of these changes coming into effect, designed to increase efficiency with regard to the issue of first time work permits, the Board will no longer grant work permits for those currently on the island as visitors.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I wonder if under Standing Order 30 (2) you would allow me to ask a couple of short questions.

**The Speaker:** Short questions, yes.

**Mr. Roy Bodden:** Would the honourable member be considerate enough as to make a copy of the statement he read available to members? And would the honourable member explain when these new changes are coming into effect?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** Depending on whether it requires a change in the Law or the Regulations, or change in the Directions to the Immigration Department and Board, the introduction of these changes may be staggered. By that I mean that we will have to get the amending legislation before the House to make the changes in the Law. In the case of the directions, if it's a change as a result of the direction, the Executive Council can move forward. So, not to give a short answer, but the changes will come into effect as soon as possible, depending on whether there is a change in the Law or in the Regulation as in the case of the fee, or in the case of the directives.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would just like to ask one short question. In regard to the appeals, what would be the cost of the filing fee for an appeal? Has that been worked out?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** I don't have that figure here. It is minimal, but I don't have it here. I can certainly get it for the member. Of course, that also has to be done by regulations, so that will take a little while. But I can get that information.

**The Speaker:** Moving on to Item 5, Government Business, a continuation of the debate on the Throne Speech delivered by His Excellency Mr. Peter J. Smith, CBE, Governor of the Cayman Islands on Friday, 18 February 2000.

## SPEAKER'S RULING

### On Point of Order raised by the Third Elected Member for West Bay on Friday 3 March 2000

**The Speaker:** All members will recall when we adjourned on Friday, 3 March, the Third Elected Member for West Bay, who is absent today, rose on a point of order which read as follows, "I understand that the Minister is reading from what the Chief Education Officer had to say about me in the *Caymanian Compass* of today. But what I did, Mr. Speaker, I got a copy of the *Hansard* of my speech and a lot of what he is saying, especially the alleged attack on teachers, is not justified.

"With your permission, Mr. Speaker, let me read an excerpt from the *Hansard* of what I had to say with regard to teachers. That is, 'The one thing that we have going for us in the area, and that is a key, we have good teachers in the classroom . . .'" He goes on with a lot of other deliberations which are not a point of my concern at this particular time.

Reading from the *Hansard* what he did in fact say about that was as follows, "The one thing that we have going for us in the area of education, and that is a key, we have good teachers in the classroom. I am of the opinion that there needs to be a revolutionary approach to the Education Department because some serious but positive changes need to be made to the administration in that department." [24 February 2000] That is that.

Another concern was the alleged attack on the Department of Education in which he said, and I read from *The Official Hansard Report* of 24 February 2000, quoting from contribution of the Third Elected Member for West Bay, ". . . I have come to the conclusion that it is one of the worst ran and one of the most unprofessional, inefficient departments in Government. We

spend a lot of money and every year we come down here for a huge budget for education but are we getting value for our money spent in this area? I have come to the conclusion that we haven't or we are not."

In referring to the *Caymanian Compass* publication of the 28 February, and I quote (they have quoted almost verbatim) "The Education Department is one of the worst run, unprofessional, inefficient departments in the Government," MLA, John Jefferson claimed in the Legislative Assembly."

Skipping down a part and going on to another paragraph, "He felt there needed to be a revolutionary approach to the Education Department and that positive changes needed to be made to its administration. He attacked the influence of foreign teachers on the school."

I quote from the contribution made by the Third Elected Member for West Bay on 24 February 2000, the [unedited] *Hansard*, "... I think where we went wrong was when we started recruiting staff, that is, teachers other than from the Caribbean because the other Caribbean countries, their traditions and way of life has been very similar to ours. The UK members of staff like the UK have totally different concepts with regard to control in the classroom or elsewhere and I think we need to do whatever we have to do in order to address and (should I say) correct the present trends that I see in our public schools."

I give the Third Elected Member for West Bay the point that he did say we have good teachers. But where the Chief Education Officer (and I refer to Dr. John D. Tudor, the Chief Education Officer of the Cayman Islands) in his speech ... his quotations are almost identical of what I read from the *Cayman Compass*. And from the debate by the Third Elected Member for West Bay, it is easy to take an inference that the conduct of the United Kingdom teachers was a part of our problem. So indirectly the teachers were brought into question.

Therefore, it is my consideration, giving him the benefit of the doubt that he said that they do have good teachers, for which I am very grateful, he did certainly on the other hand contradict his statement of good teachers in saying that they were disruptive and brought us to where we are today. Therefore, I rule that he has no point of order.

The Honourable Minister for Education, Aviation and Planning please continue.

## GOVERNMENT BUSINESS

### DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. PETER J. SMITH, CBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 18 FEBRUARY 2000

(Continuation of debate thereon)

**Hon. Truman M. Boddan:** Thank you, Mr. Speaker.

On Friday, when we were closing I had started to go on to strategy number 2 of the five year education plan. That strategy states that we will develop personalised education for each student that ensures his or her success.

There are ten specific objectives, and all except one are now being implemented. I am specifically addressing the area where one member stated that all of the strategies should have been completed between 1995 and 1999, and that not even one-half were done.

The first one is "Centralised professional services—

**Mr. D. Kurt Tibbetts:** Mr. Speaker, on a point of order, sir.

### POINT OF ORDER

**The Speaker:** May I hear your point of order?

**Mr. D. Kurt Tibbetts:** As offended as the minister may be, and he did not call a name, I am sure the minister is referring to what I said. I do not remember saying that all of the strategies should have been completed between 1995 and 1999. I remember saying there was a timeline attached to the strategy. I also remember saying that probably not half of them were completed. But this is the second time the minister has tried to suggest that I was saying that the 1995 to 1999 plan should end in 1999—end of story. I was not suggesting that for a minute.

I am saying that it is misleading for him to suggest that that is what I was saying, because that was not the point I was making.

**The Speaker:** Would you accept that as a point of explanation, or do you want me to rule it a point of order?

**Hon. Truman M. Boddan:** Mr. Speaker, before you rule, may I read what the member said? He said, "I am going to tell you something now, the reason why the dates were attached to that policy, 1995 - 1999, meant that it was intended to accomplish what that policy set out within that time and not a half of it is accomplished." [*The Official Hansard Report*, 1 March 2000, page 89]

I understand that to say that the policy had set out ... well, as it says, it's clear.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you very much, Mr. Speaker, and it is not my intention to interrupt the minister. I just wish as a matter of clarification for the minister to understand that ... and I heard what he read, and I know that I said that. But, my point was never intended to say that between 1995 and 1999, once what is set out in the National Education Strategic Plan was intended to be accomplished, and then that would be the end of it. I understand that the plan is an ongoing situation. But there must have been some clear objectives set out

within a certain timeframe, and I was suggesting that those objectives set out to be accomplished within that timeframe had not been accomplished. That was the whole point. I just wish for him to clearly understand that so that we don't have to be back and forth with it all the time.

**The Speaker:** We thank you for that explanation.

The Honourable Minister responsible for Education, Aviation, and Planning, please continue.

**Hon. Truman M. Bodden:** Let me just read then, sir, for repetition, what I just read. It's the honourable First Elected Member for George Town. I was careful not to start this. I didn't refer to any name. But, the member went on to say, "**So, when they had their update . . . that is why it suits the Minister to create this type of methodology. What you do when you fail is to simply do an update and you now change it from 1995 to 1999 to 2000 to whatever. But, you still haven't completed what you were supposed to do between 1995 and 1999—not even half of it.**" [*Ibid.*]

I go back to this: This is a living plan. We never set out to complete within the five years of this plan what all is in the plan. The criticism on the update, as I understand it, is that what was in the plan was intended to be completed between 1995 to 1999. That is what was said twice, and that not even half of it is completed. I am saying . . . and I will show because I have information from the planner as to what is done. I don't want to have to read all of this, but let us just take a second strategy that I was going on with, strategy 2.

**"Specific Objective 1) Centralised professional services so that all children have equal access to services provided by the multidisciplinary team.**

[Objective 2:] **"Develop a comprehensive, non-discriminatory evaluation policy for all students."**

[Objective 3:] **"Provide a continuum of alternative placement and related services to meet the varied needs of exceptional students, from the least to the most restrictive environment."** And I would like to stress the word "continuum"—it's a continuing policy.

Objective 4: **"Ensure that students leave school with a marketplace skill to function within the society."**

Objective 5 . . . it goes on.

There are ten objectives. One of these at present has not been started, but it's one out of ten. The policy is well on. But it's a living policy. It's not a dead policy. I will show how the timeframes have been set because it is a misunderstanding of this type of policy that leads to what would be . . . and I understand where the member may be coming from. The old traditional policy was *'Here is a five-year policy, do it within five years'*. . . Bam! That's the end of it. After five years, do another five years. That's been the tradition. But that went out a long time ago. This is a rolling, continuous policy and I will show that it is a vibrant policy. There have been a lot of additions to the policy, and that is the way it should be. Some have also been removed.

The education planner has stated clearly that it was never intended that in 1999 all objectives would have been achieved, as this strategic planning process was intended to be a dynamic and not a static process. Therefore, opportunity would be provided for strategies or action plans to be added each year. This has certainly been the case because the number of action plans now stands at 132, instead of the 105 in 1995.

Twenty-seven new action plans have been added over the review periods. It's a dynamic policy. It is always looking five years ahead, and that is the only way it can work. Referring to not even half being completed, or being dealt with, it is also worthy to note that according to the records 73% of the action plans are being implemented at this time. About half of the remaining 27% consists of plans that were added at the last update held in October 1999. What more can we do?

Of the original 105, when you work this out, I make it that about 86% or 87% of the plan is being implemented. But that implementation is a continuing thing. In fact, I read action plan 4 of the strategy, and it refers to a continuum. That objective goes on, like many of the other objectives. Agreed, some may come to an end. But many are continuing objectives. In fact, as you know, last October (1999) not only did the team add the extra plans, but also a new mission statement has been published, and a new parameter was created.

This is not dealt with by me. I need to make that clear. My ministry is not doing this, as such. It is the duty of the planning team (that consists of thirty-odd members) to assess the progress of the action plan in each strategy and it is their mandate at each update to determine the action plans that are operational, adequate or that need to be revisited. The planning team decides when new strategies are needed.

And, Mr. Speaker, the implementers were allowed to chose which action plans they wished to do. This is very important because this education plan is a plan of parents, teachers, the public, generally, and it is a well-balanced and very able planning team and I am very happy to say that this is one of the few times that this education plan has been criticised, especially to the extent it has. There is no political mileage in this. Criticism of this plan is a direct criticism of the public, the parents, the teachers and the education staff—not of Truman Bodden, sir.

This is not my plan. This is an education plan, a five-year rolling, live education plan of the people. It is substantially under implementation. These are facts. This is not coming from me. They are facts that are coming from the planning team and the education planner who deals with this. So I hope that we can see that it has to be not only dangerous, but unsafe to make a statement that was made by the First Elected Member for George Town when he said every problem we have in this country can be attached to a problem in the area of education. I refute that very strongly. It is an incorrect statement. The education of this country has undoubtedly helped the public, the students, it has helped society.

I have full faith in the planning team. They are very capable. The education system does not create every problem in this country. That is totally ludicrous. In fact, without the education system we have—which is undoubtedly the best in the Caribbean, and it's comparable with education in the developed countries of the world. It is a very good one and it is a dynamic and live education plan that is always looking five years into the future, and is changing from year to year and has the wide support of the public.

I would now like to touch on Public Private Partnership in Education. The Department for International Development (DFID) in the Caribbean recently announced an initiative aimed at examining the potential of partnerships between government, business and civil society to enhance education. DFID is responsible for the British government's contribution to international development. DFID is hosting a high level conference in Jamaica later on this week which will offer Caribbean countries the opportunity to examine some of the activities involving partnership which are helping to raise attainment and achievements in other parts of the world.

Delegations will be able to explore which of these could be useful models to adapt in our own countries, and to share the ongoing partnership programmes through a country presentation. Cayman has been asked to send a delegation to the DFID conference, and to include business, education, the civil society, and elected and government officials. In preparation for this, an informal committee was made up of my permanent secretary, the deputy chief education officer, the acting education planner, manager of the Chamber of Commerce, the president of the National Parent Teachers Association, the president of the Private Schools Administration Association, and the chairman of the E-Commerce Subcommittee on Education and Training, and a government school principal. They have been meeting for the past two months.

The committee has looked at existing public, private partnerships. They have considered the roles and responsibilities for good practice in education partnerships, and they have discussed how formalising that partnership in education can enhance the five year education plan as well as a ten year national strategic plan with Vision 2008. Also, the committee is examining how it can support government's recently formed E-commerce Task Force in developing technology and promoting the concepts of e-business in schools. I know that the Third Elected Member for George Town has spearheaded this e-commerce, which I think is really fantastic.

We are lucky that Cayman has a rich tradition of partnership between public and private sectors. I would just like to touch on some of these:

- ◆ Chamber of Commerce
- ◆ Junior Achievement
- ◆ Work terms in the Chamber of Commerce companies
- ◆ Career awareness visits to schools
- ◆ Careers Expo
- ◆ Awards and Scholarships
- ◆ Education and Training Scholarship Booklet
- ◆ Work Experience
- ◆ Internships
- ◆ Donations
- ◆ Resume writing and work ethic workshops

Individual companies have also made very significant contributions and I would like to mention Cable & Wireless and computer companies and dealers that have put Internet connections and necessary equipment for this into each government school. Indeed, I think they have put them into all schools.

Larger companies continue to assist with music programmes in schools. However, we know that 80% of companies in Cayman can be considered small companies. The structure provided by Cayman's Public Private Partnership will be able to focus resources into school and education programmes where they are most needed. This will give small companies and individuals the opportunity to contribute to enhancing our schools and also the assurance that these resources are being appropriately applied.

I would also like to mention the service clubs that continue to support education programmes, in particular the Lions Club, since 1987, has contributed thousands of dollars in text books and training of teachers for the Quest Programme which focuses on skills to allow young people to make healthy choices including drug abuse prevention. The Quest Programme is a very good programme and I would like to thank the Lions Club for their support and contribution on this.

Our Parent Teacher Associations, our Home School Associations are very important partners in our schools. Many PTAs raise money through running the canteens and running the school buses. They hold fundraisers for materials, trips, sports uniforms, and they spend countless man-hours in the schools assisting in a variety of ways.

Last, but not least, I would like to mention the extra-curricular activities run by our teachers. Many teachers can be found on Saturdays or during holidays, after school, providing extra classes helping to organise social activities, and putting in extra time and effort with our students. Just this weekend the Cayman Islands Mathematics Association had its official launch. The Association aims to instil a love of mathematics and to show students the place of mathematics in everyday life. It will also provide support and training for math teachers. This is but one example of teachers banding together to enhance teaching and learning.

When the Public Private Partnership in Education group makes its presentation next week, they will have a lot of positive things to say about the contribution being made to education by the various sectors in our community. I believe that we can be proud of the Public Private Partnership in Education in this country, and I believe that it is a live and vibrant partnership, not one that has time limits and comes to an end. It continues on in harmony for the development of education in the Cayman Islands.

I would like to take this opportunity on behalf of my ministry and on my own behalf to thank these groups that I have mentioned and the many other groups and companies who continue to support the children of these islands through the schools.

I come back again to repeat: We have many, many good children in this country. The vast majority are good. I am asking this honourable House, and especially new candidates coming into the political arena to spend some time congratulating and appreciating the good students of this country. Some time must be spent on the few, and they are only a few, Mr. Speaker, probably between eight to 15 in the two schools of well over 800 children each; yet the press is as much to blame as members of this House. They focus on the bad, and in the course of it never see the good.

I wonder when the last time members of this House or the press have actually gone out and positively said that we have good children in this country, thanked the Lord for them and looked at the positive side. We have a few problems, but they will be dealt with.

I try to go, and I do go to the vast majority of school functions, but one of the things that I have often wondered is when sports day is on and there are hundreds of children in uniform doing a march past, there is no press there. I know that the press are called. I am positive they are, because I get confirmation from the department each time they are called. But I bet that if there was a bit of ruckus by six or eight students among the good children who are out there participating in sports, the press would be there and they would have that on the front page headlines.

I am criticising the press, but it is a negative attitude that we also find among politicians. I repeat: you cannot run a country on negative attitudes. People have to have solutions and you have to take a positive approach. So I am really begging the press (and that includes television and radio) to give the children of this country some good coverage. Put some good things in the headlines say some good things about the many good children that we have.

I believe that if we try to see the good in people rather than constantly focusing on the bad, we would have a much better world. The opposition members who spoke went into a lot of bad areas and just focused on problem areas. But, you know, no solutions were put forward other than by the Third Elected Member for George Town, and his fantastic solution to revenue in this country relating to e-commerce. What has been put forward? Has anyone come forward and said, *'You have these problems in education. Here's the solution'*? And the people of this country better not wait until a person gets into government to provide solutions, because if they don't have it before the elections, or on the floor of this House, I can assure the public they don't have solutions. And they are sure not going to become brilliant persons overnight!

A lot was said about the Lighthouse School, mainly by one of the opposition—I guess the Leader of the Opposition—but all I am going to say on that is that there

has been too much politics on that. I am tired of having to justify the past. These are special children. They need all the help we can give, and what should be done here is to try to help me get on and build this place. The decisions are made, it's been funded by this honourable House through the Finance Committee. It's an accepted project of this Legislature. Just try to help me. I have enough problems trying to get planning permission for schools and everything else. This one does have it, and I am not going into it. I will take whatever licks I have to take on it and just simply move on.

At the end I will deal with where the Throne Speech has dealt with some of the objectives and outcomes for this year.

I would like to touch on another area because there are so many good things in this country and it's unfortunate that a lot of these speeches have to be spent on the few odd things. A lot was said on a continuation of the position on the finances of this country, a lot was said on pensions. At present the debt of this country can be serviced by 7.4% of the recurrent revenue. If you go to a bank, the bank will lend maximum guideline is 40% of your recurrent income. So this is extremely low. The internationally accepted standard is 10%. Very low. In fact, many countries around us are spending 40% of their revenue just to pay interest.

We are paying interest and principal with only 7% of our revenue. That is because we have chosen to take loans that are short. The loan amount to be borrowed this year is only \$16 million. We will repay on the central government debt, \$13 million in principal, and \$6.7 million in interest. On the self-financing loan, \$1.8 million principal, and \$.9 million in interest. So, we are borrowing \$16 million, but principal is being repaid at the rate of \$14.8 million, leaving a difference between what we are paying back and what we are borrowing of \$1.2 million. Anyone can see that that is over prudent. In other words, the net borrowing this year of principal is \$1.2 million.

But, we are putting \$43 million into capital. That is money that is partly coming out of recurrent revenue. When we look at the figures on this, we find that the position in the country is that not only is there this year a net borrowing of \$1.2 million (when you look at what is being repaid), but out of the total debt, which is central government and self-financing debt and add that into it, we find that 70% of the debt is under ten years. In most countries that debt is spread over 20 to 30 years. As everyone knows, if you have a loan for ten years, you pay probably twice as much as you would in 20 years on principal. So we are paying back a very high amount because the debt is going to be retired, 70.4% in ten years.

Within ten years what will be left is . . . well, let's go a little bit further because a lot of this is being repaid in a shorter time than ten years. In 2005 (and I am reading here and I will lay this on the Table if need be), there will only be \$30.1 million owed because of the rapid payment government is making on this.

I am happy to give the First Elected Member for George Town a copy of this. I am taking this from the Financial Secretary, or Finance Department's, schedule

of the debt that was tabled here during the Finance Committee.

*[Inaudible interjection]*

**Hon. Truman M. Bodden:** The question is, I think very clearly, if the debt in five years is going to be \$30 million, if other governments are doing what this government is doing this year, they are paying back the sum of \$14.8 million and borrowing this year \$16 million. There's a difference of \$1.2 million (when you take the \$14.8 [million] away from the \$16 [million]). It's a net of \$1.2 million. And that has to be prudent.

I am just looking for a further document, sir.

**The Speaker:** If you need further time, we could take the morning break.

**Hon. Truman M. Bodden:** That would be fine sir.

**The Speaker:** Proceedings will be suspended for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 12 NOON

#### PROCEEDINGS RESUMED AT 12.32 PM

**The Speaker:** Proceedings are resumed. The Honourable Minister responsible for Education, Aviation, and Planning, continuing.

**Hon. Truman M. Bodden:** I was mentioning earlier about the very slight increase in debt in 1999. I will just read an excerpt of the Budget Address. It says, "**Total debt was \$23.7 million on 1 January 1999. Total public debt is expected to rise to \$95.7 million by year end 1999.**" In other words a difference of only \$2 million (in rounded figures). He went on to say, "**Mr. Speaker, even though the total value of outstanding loans has risen over the year by \$2 million, total public debt service (that is, principal and interest) remains at 6.2% of 1999 forecasted recurrent revenue. This is well below the generally accepted 10% upper limit established by the Government.**"

And this year it's only \$1.2 million difference from what I calculate.

Also, on the good side of this is the reserve fund is expected to rise to approximately \$14 million by year-end 1999. And we know that that fantastic fund, the pension fund, has moved from \$6 million seven years ago to \$76 million at present. We also know that the honourable Attorney General has ruled that there is no statutory duty for government to pay past pensions. And, most importantly, the fund has enough income to pay twice the amount of past and present pensions.

Also very important, is the fact that this year (I am taking this from page 15 of the 1999 budget) the position then was that the contribution to capital acquisitions, contribution to reserve funds and capital development expenditure was \$18.5 million, in other words, a surplus

of \$18.5 million which went into capital. Also, sir, we have another aspect here that in 1999 the total capital, and I am reading from the budget, "**Total capital development expenditure is forecasted at \$27.5 million which is 35.3 percent below the \$42.5 million budgeted.**" In other words, government, even though it budgets \$42.5 million last year for capital, only spent \$27.5 million (sic). It is not as if this government is just spending money as such. We don't even spend what is budgeted. This was a clear example where one-third or more of what was budgeted to be spent on capital was not spent.

The Financial Secretary went on to say, ". . . and an undrawn amount of \$11.3 million against the capital loans approved for 1999." We didn't draw down the full amount of the loan either. That is very prudent financial budgeting. We know that we have 47 of the largest 50 banks in the Cayman Islands. They have faith in the Cayman Islands otherwise they would not be here.

The success of the country, the success of the stability, the success of the financial ability has come about because the Executive Council (made up of three very good Official Members, and my four other colleagues and me) is very able, very capable, very experienced in running a government. Like I said earlier, apply the standard of whether you would let a person run your business. I am repeating something one of the members over there said, if you don't think they can run your business, why put them to run the country. Because if they run the country into the ground, they will run your business into the ground. That's very logical.

**Mr. Roy Bodden:** Ugh!

**Hon. Truman M. Bodden:** I hear that didn't go down very well. But think about it: why put somebody to run a big business if you wouldn't let him run your small business?

On Vision [2008] (this is very important to me), I have spent a lot of time and effort and I would like to ensure that this is put in the right perspective. The duty of my ministry was to see that the public of this country completed a ten-year national strategic plan under the Vision 2008 Logo. That vision plan is the people's plan. It has been approved by the government and this honourable House. It is the most important document in this country. It is important that it be implemented and carried out because the public of this country expects that the ten year national strategic plan will be implemented.

I think it was right that the guidance in the time when it was being prepared as a plan would be left under my ministry and to that very capable executive, especially, my permanent secretary, Mrs. Joy Basdeo, and the many others who assisted in getting this national strategic plan, Vision 2008, completed as a plan. I would like to thank them very much, and also the many people who put in countless hours to complete that document.

That phase which was given to my ministry and me has been completed for some time. What remains is a very important aspect of the implementation of that plan.

I can't stress how important it is that there appears to be the momentum, the continuation of the plan, to take the Cayman Islands forward in the right perspective, but most importantly in accordance with the wish of the people of the Cayman Islands.

For my part, on this aspect I say I have carried out my duty, I have finished what has been assigned to me. We have now moved into a stage of implementation. And His Excellency the Governor has stated, at page 1 on his Throne Speech, **"I have decided to appoint an Executive Director of the Vision programme with a specific mandate over the next 6-8 months to monitor what is already underway within the system, ensure that the right priorities are observed for the next round, co-ordinate the broad sweep of Action Plans covering more than one Ministry, and to produce finally a comprehensive report with detailed recommendations on the sort of organisation needed to take the Vision programme forward in the longer term."**

I stand ready to do anything that I can with the implementation of this. To that effect, I would just like to say what my ministry is doing on Vision, so that it is made clear to the public and this House that I am moving on with implementing within my ministry and departments the different aspects of the plan. I know this is going to be a bit tedious, but I think it is very important that I go through this.

One of these was, **"Supporting an educational system which identifies and develops the abilities of all persons encouraging them to realise their full potential."** That was strategy 3. Priorities on that strategy for 2000, first Education: **"To establish educational facilities to meet the needs of children residing on Little Cayman."** That was strategy 7, action plan 9.

I don't intend to read all of these out, but I will begin and then . . . but I have the specifics of which action plan it is, what strategy it is.

**"To develop and implement a careers advisory service which provides professional guidance to students."** That was strategy 3, action plan 4.

**"(c) To develop and implement academic, vocational and technical curricula for secondary and tertiary students."** That covers two action plans.

**"(d) To create and implement a nationally recognisable vocational programme that expands the opportunities for Caymanian youth to become more productive citizens in their community."**

**"(e) To establish a national programme to introduce a variety of businesses to students prior to them entering the work force."**

**"(f) Continue plans for three new schools, namely, Lighthouse, Spotts Primary, and Boatswain Bay Primary."**

**"(g) To consider the Beckles Report on Sunrise Centre and persons with disabilities in general. Advance facilities and programmes offered to such persons"**

**"(h) Identify a site for a new secondary school and purchase it."**

**"(i) To conduct a management audit of the Department of Education."**

These specific strategies are now being dealt with and the implementation and planning is beginning. I must say that in the early stages of Vision, especially the first two years, a lot was sent around planning.

**"(2) To develop and implement a growth management plan to achieve and maintain a balance between the natural and built environment."** So this is really under planning. And, what are we doing? One, is **"To gain a better understanding of current use of land in these three Cayman Islands, and an assessment of the future use of land services."** That was strategy 10, action plan 9.

**"(b) To determine carrying capacity for the three Cayman Islands would achieve more acceptable quality of life for our residents."**

**"(c) To conduct a review of existing laws and regulations in order to provide the necessary framework for effective growth management."** These are being dealt with.

**"(d) To educate the public regarding the requirements for growth management in the Cayman Islands."**

**"(e) Draft and implement new laws and regulations in addition to the existing laws and regulations in order to provide a framework for effective growth management."**

**"(f) Produce a comprehensive, flexible and responsive development plan for Cayman Brac based on the village concept model of planning."** Strategy 6, action plan 5.

**"(g) To implement immediately a set of planning regulations governing the roads, aesthetic zoning design and development to ensure that unique character of Little Cayman is preserved and that minimal harm is done to the natural environment."** Obviously, these are subject to the public's view.

**"(h) To ensure that flooding will be minimised in new developments."** That was strategy 9, action plan 3.

**"(i) To provide adequate parking for all proposed developments."**

**"(j) To establish provisions for mandatory process of environmental impact assessments relating to development."**

Also, on aviation, priorities for 2000 are to **"Establish a safe day VFR Island style air field 3000 feet in length which will serve the airlift needs of Little Cayman."** Strategy 7, action plan 2.

**"To provide Cayman Brac with efficient and cost effective and suitable scheduled air service which is capable of responding to immediate current and future needs of the island."** The schedules have been increased up to 13 per week, nearly doubled. And that's to come into effect with the third plane.

**"(d) To encourage and support the national airline to become commercially focused so as to eliminate the need for government subsidy."**



**“(e) Maintaining awareness of Vision 2008 and the specific results action plans identify as being necessary to bring both the desired openness and accountability in local government.**

**“(a) To publish in the yearly anticipated outcomes for the ministry via the annual speech from the Throne [and we have done this].**

**“(b) To report back to the public on outcome achievements during the Budget Session of the Legislative Assembly.”** And this is a lot of the new finance areas.

I will do what I have to do on Vision. It obviously has my full support. There have been a lot of sacrifices on my part. My permanent secretary spent a large amount of time on that and it meant I had to work a lot harder. But it was important that this be completed. We have delivered that document and we look forward to the implementation of it.

I would like to go very briefly into this whole position relating to . . . I don't have time for that though. I better just leave this for this afternoon, because it's going to take me about 15 minutes.

**The Speaker:** Would you prefer that we take the lunch-eon break at this time?

**Hon. Truman M. Bodden:** That may be better. I was going to go into Immigration, but I don't want to break what I am going to say on that, if I can help it.

**The Speaker:** It is my understanding that there will be an informal meeting in the Committee Room at approximately 2.15. So we will suspend proceedings until 3.15 for lunch.

#### PROCEEDINGS SUSPENDED AT 12.52 PM

#### PROCEEDINGS RESUMED AT 3.25 PM

**The Speaker:** Proceedings are resumed. The Honourable Minister responsible for Education, Aviation, and Planning, continuing.

**Hon. Truman M. Bodden:** The government has been criticised time and again about there not being enough transparency and freedom of information. This has been leveled at us time and again. I go back to what I said earlier. Some opposition members preach a lot, but they don't practice it.

If I stood up here today and tried to say anything that went on in the Immigration Select Committee, you would stop me, because select committees—that select committee and the others—are secret. We cannot disclose on the floor of this House anything that goes on in there. The opposition members have two functions basically: we deal with legislation and other matters, and they do private members' motions, they can go to select committees.

Now, we have had seven select committees in the last few years during this session. There's been one on

Elections, one on A Freedom of Official Information Act, one on Minimum Wage, one on Privileges, one on the Standing Orders, and one to take input from the public on Review of Dependent Territories, and a select committee on the Immigration Law and Local Companies (Control) Law and Trade and Business Licensing Law.

Except for the time when the public was giving input into the select committee on Immigration (because I don't think the committee on Dependent Territories has advanced to that stage yet), the opposition has chosen not to be transparent, but to hold very important—far more important matters that what would happen in day-to-day government—in secret.

Standing Order 72(5) states, **“(5) Subject to any order of the House or resolution of the committee, the sittings of a select committee shall be held in private.”** So, the motion that private members put in here to do a select committee can clearly say that that committee shall be transparent and it shall be held in public.

Mr. Speaker, you know, and I know that for the last seven years the people who have preached this transparency have not made any move to put these select committees in public and make them transparent. But it goes beyond that. Even when the select committee is sitting afterwards, a resolution of the committee can make the proceedings transparent and public. It's very clear that the opposition does not practice what it preaches.

To put this even further and to really show you how it is nothing but talk, the very select committee on Freedom of Information and the Official Information Act is secret! Every select committee of the House . . . let me just go over it again, and if I am wrong, you can correct me. Every select committee of the House, unless there is an order of the legislature or unless the select committee itself passes a resolution to be transparent, is secret.

*[Inaudible comment]*

**Hon. Truman M. Bodden:** What I am saying is nobody's fault. But don't tell the government about being transparent when the very select committee to deal with transparency is not transparent!

I mean, that may sound stupid to the public, but that is a fact. I have the select committee motion here.

*[Inaudible comments]*

**Hon. Truman M. Bodden:** Yeah, I would say so. It's a very convoluted way, as the member was saying, of looking at transparency when the opposition sits only in secret in their select committees. Any one of them can put a motion to make it transparent. But does that happen? No!

We all sit inside there, day after day, and a larger part of the select committees are private. And even on the select committee that is supposed to produce freedom of information and make things transparent, that select committee is held in secret!

**Mr. D. Kurt Tibbetts:** Mr. Speaker, on a point of order.

**POINT OF ORDER**  
(misleading)

**The Speaker:** May I hear your point of order?

**Mr. D. Kurt Tibbetts:** Again, I really don't wish to engage with the minister, but the minister has just said that the private members' motions which have led to select committees . . . and then he referred to the opposition as if the select committees . . . he said "their" select committees. All of those select committees are constituted with all members of this House. He is misleading the public into believing that those committees are committees that consist of the opposition only. Any obligation he is suggesting on the part of any one of us, he and the government also have the same obligation because they are part and parcel of the committee, sir. It is a misleading statement he just made.

**The Speaker:** I would say that what he is saying is that you can suspend Standing Orders to have the select committee held in public. Any member has that right, whether it be a government member or a backbench member.

The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** That is correct. That is Standing Order 72(5). What I am really saying is that if the opposition is serious about transparency, then why haven't they made the very select committee that is dealing with transparency . . . why have they left that secret? My point is a very simple one—

**Mr. D. Kurt Tibbetts:** Mr. Speaker, on a point of order.

**POINT OF ORDER**  
(misleading)

**The Speaker:** May I hear your point of order?

**Mr. D. Kurt Tibbetts:** I understand what the minister is trying to do. If the minister didn't skew the facts we would understand very clearly that that committee has not begun its deliberations yet, and perhaps the minister's point is a very good one—I will endorse it to ensure that those deliberations are done in public. But the minister's attempt to make it sound like any one of us is trying to hold meetings in secret is misleading.

He keeps talking about the select committee on the Freedom of Information and the proposed legislation to come from it. He, sir, like all of us, knows what has transpired with that. The Chairman of the committee has told us verbally on more than one occasion the way forward with that, and we set a time schedule for that. So, it is not for him to insinuate that the committee has been meeting, and that it has been done in private, because that is not a fact.

**The Speaker:** Let me set the record straight. Under Standing Order 86, it says, "**86. Any of these Standing Orders may be suspended at any time for a specific purpose by the consent of a majority of Members present.**"

Standing Order 72(5) says, "**(5) Subject to any order of the House or resolution of the committee, the sittings of a select committee shall be held in private.**"

The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Thank you, sir.

You yourself said a while ago that any member in this parliament can suspend Standing Orders so that the proceedings of these committees be held in public. Am I correct?

**The Speaker:** Yes, that is correct.

**Mrs. Edna M. Moyle:** Then my question, if I may . . . the honourable minister is saying that the opposition who brings these motions on Transparency is holding meetings in private. Had he wanted transparency, could he not also suspend that Standing Order, seeing he is a member of all these committees?

**The Speaker:** I think I made that very clear. It says "any member."

I don't want to continue a debate on this. Please continue, Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Yes, Mr. Speaker, thank you.

The difference between the government and the opposition is that the opposition is constantly leveling at the government that we need more transparency. What I am saying is that the opposition isn't transparent at all because important meetings, important select committee meetings dealing with far more important and serious matters than Executive Council or government deals with . . . the opposition has taken no move to make them transparent.

The fact that the select committee on Freedom of Information hasn't sat, unless something is done—and hopefully it will be done—the allegations against government should stop. At least some of our meetings are transparent and public. In fact, in this House hundreds and thousands of questions are asked. The government is as transparent as it can ever be.

I am saying that the opposition is not practicing what it preaches. If it were, these important select committees . . . especially those who level it at us so much . . . one of them would have put a motion to make it transparent. I mean, very important things, Immigration. Look at the problems that have arisen out of that.

[Inaudible interjections]

**Hon. Truman M. Bodden:** Here's a motion on Freedom of Information Official Information Act. Do you want me to read it?

**"BE IT RESOLVED that the Cayman Islands Legislative Assembly enact a Freedom of Information Law similar to that proposed in the United Kingdom's Freedom of Information White Paper;**

**"AND BE IT FURTHER RESOLVED that a select committee of the whole House be convened to determine the parameters of such legislation, after public input."**

Moved by: Mr. Roy Bodden, MLA, Third Elected Member for Bodden Town. Seconded by: Mr. D. Kurt Tibbetts, MLA, First Elected Member for George Town.

Is there any part of that which makes that public? No, Mr. Speaker.

That's all I am saying. There's no use in the opposition levelling at government that we are not transparent when the most important area where you need transparency has to be in the very important select committees of this House. So maybe the time has come to stop all of this nonsense about who's transparent and who isn't because the government is far more transparent than the opposition ever could be. And, like I said, up until now, the select committee on transparency is not transparent. That may seem funny, but that is a fact at this stage.

It was so easy for the Third Elected Member for Bodden Town, or the First Elected Member for George Town to add the words '*And it is hereby ordered that it should be held in public.*' Why? Because there is no desire on the part of those members to be transparent. So what needs to happen in this—

**Mr. D. Kurt Tibbetts:** Mr. Speaker, on a point of order.

**Hon. Truman M. Bodden:** Let me just finish—

**Mr. D. Kurt Tibbetts:** Mr. Speaker, on a point of order. The member is misleading!

*[inaudible comments and general uproar]*

**POINT OF ORDER**  
(misleading)

**The Speaker:** Let me hear your point of order First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** The minister just insinuated that neither the Third Elected Member for Bodden Town nor I have any intention of practicing transparency. That is misleading.

While he uses his legal jargon with the Standing Orders to try to insinuate that, there is nothing that he can prove by any of our actions in this Legislative Assembly which says the same thing that he is saying. He is misleading not only this House, but also the public. And he knows better!

I am saying, sir, that he is making a misleading statement. You rule as you wish, but that is my point of order.

*[an honourable member: Right!]*

**Hon. Truman M. Bodden:** May I just say something? He stopped me, and I was trying to tell him this before I could finish my sentence.

**The Speaker:** Please continue and let me hear you.

**Hon. Truman M. Bodden:** I was referring in relation to Private Member's Motion No. 12/98 on Freedom of Information, Official Information Act, in that the two members could have added '*And the proceedings shall be transparent and held in public*' or words to that effect. That's the point I am making sir.

**The Speaker:** Taking it in it's full . . . that's not a point of order. Please continue.

**Hon. Truman M. Bodden:** I will merely just refer (I am coming off this subject sir) very quickly once again to remind this House and just to read a few areas that . . . well, firstly I have to thank the *Caymanian Compass* for so many good editorials, but in the editorial of 28 February, 2000, they said that it was promoting positive change, and obviously therefore transparency for me to request a review and an audit, so to speak, of the Education Department. It's the first time that this has been done.

They went on to say, "**If the Education Department review produces positive results other departments and organisations might be motivated to follow suit.**" As we know, they stated very clearly that "**Going public with the strengths and weaknesses of local schools is an admirably positive step towards transparency and accountability within the education system.**"

There can be no doubt that the government is transparent. Like I said, it's all well and good to level and say these things, but the Scottish Poet, Keats, once said "*Oh wad some power the giftie gie us; To see oursel's as others see us!*"

**Hon. David Ballantyne:** Point of information—

**Hon. Truman M. Bodden:** That was another poet I believe.

**Hon. David Ballantyne:** Point of information, Mr. Speaker. I believe the honourable minister is referring to the Scottish Poet, Robert Burns.

**Hon. Truman M. Bodden:** Mr. Speaker, I bow to the honourable Attorney General's knowledge.

*[Members' laughter]*

**Hon. Truman M. Bodden:** I knew it was a Scot but I got the wrong one. They were both two good men!

And, Mr. Speaker, before the . . . well, my mother used to tell it to me, that's where I learned it.

Before the four people should criticise others, what it means, sir, is that they should look at themselves. Are they being transparent before they level a lack of transparency at someone else?

I am going to now move quickly on to deal with the position in relation to immigration and once again, because there is no transparency I can't say anything. In fact, anything I say will not relate to the proceedings to the select committee on immigration. I want to make that clear. I will be saying some things that were said outside of that select committee. I know that that select committee is not transparent, and is secret.

The select committee's report that was produced . . . and what I am saying here, sir, are my personal views. I want to make that clear. It is not speaking on behalf of government. I am speaking purely on my own behalf and not in relation to the select committee, because I don't want to get ruled out of order because that committee is secret.

First, to come out with the sections relating to permanent residency and status, one with 25 years for status and 15 for residence, and then say that a person can only have a work permit for five years means that no future person could acquire permanent residence or status. That seems to be very clear. This, I tried to point out informally and outside of the committee.

Also, there's not much use in having an Immigration Board if they have no discretion. And it has to be some flexibility. I agree with the Third Elected Member for George Town who dealt with this. There must be some discretion and flexibility in the length of time that work permits are issued for. If the policy is too harsh, and indeed areas of this could be so construed, then it could well run investors and people out of the country. This happened in the Bahamas 15 or 20 years ago. It was a mistake they made. We reaped the benefits of it and we should not make this again.

Now, if that policy had followed more closely on the Vision document policy, what that said (and this was condensed, but I believe my interpretation was right) . . . there were three phases, phases 1, 2, and 3. What they said in relation to work permits was that during phase 2 the maximum is to be ten years, and during phase 3, such maximum is to be 15 years. And they said that after five to seven years (I will read this to be sure I am interpreting this right), it says, "**establish after the transition period no new permit holder can aspire to permanent residence or Caymanian status for a period of five to seven years at the end of which time the position will be subject to review** [this is where the difference comes in] **with a view to the implementation of the permit holder permanent residence/status graduation or ladder system.**"

So, there would be a period of time where people would come in on a permit. At the end of five to seven years it seems that a decision would be made then

whether that person would progress on for permanent residence, and, if so, they would be subject to graduation or the ladder system. Then, at the end of 15 years, it's the last action step, it said "**Establish that all persons who reach a maximum allowable length of stay in the islands under the work permit system** [which is ten years during phase 2 and 15 years in aggregate during phase 3,] **having not qualified for the grant of permanent residence leave the island for a minimum period of one to two years.**"

So, this was not a matter of an absolute bar, but it allowed for an equitable approach with discretion in the Board. If people were needed in the country, in accordance with all the guidelines (which are quite a few, laid down in the law, not guidelines but conditions), then a person could go on to get permanent residence and ultimately status. If not, and it was refused at the length of that time, then they would have to leave the island for a minimum of one or two years. That was very different from what has come out in this saying that work permits can be issued for five years only.

I know this is a discussion paper, and this is why I have my personal views. But that in itself will hurt this country and the businesses a lot, and the people a lot. Take a simple example: A person looking after an elderly person. They are used to giving medication. At the end of five years you are going to turn them over, start over again, bring somebody new in, train them up again, . . . and that's even more pronounced in some types of business. I believe the public feedback is going to be that that is not acceptable in that form.

I want to draw a clear distinction between the government and the select committee because these have been used interchangeably. The select committee is made up of all members of this House, which includes the government members. But the government produced a press release quite a while ago, just after this came out, within a week of it, in which the five ministers of government clearly said, and I quote "**The recently published Select Committee's paper for public feedback is purely for the public to consider and give its views to the Select Committee. They are not recommendations, they are only issues for discussion. We, the Ministers of Government, will listen to and follow the public's views and there is no commitment on the Government to act in any of these matters.**"

The interim report is a report of the Select Committee. It is not a report of the Government. I want to make that clear. Subsequently, a similar press release was made on Thursday or Friday of last week that came from the Select Committee of the House. So there is a clear distinction between the select committee and government.

I would just like to point out a few other things. This honourable House deals with serious legislation only, or deals with legislation. Under legislation, much lower down the rung are regulations that are dealt with by Executive Council, orders that are dealt with sometimes by Executive Council, sometimes by the Governor directly, and directives, which are really a very lower subsidiary

form of legislation. It appears that the Legislative Assembly seems now to wish to have legislative participation in the issuing of directives.

I guess what I am saying sir, is that this is a Legislative Assembly. It deals with the most serious legislation and that seems very strange that this House is going to start having legislative participation. I am not too sure whether that means passing laws relating to directives, or the legislature dealing with participating in directives or whatever.

I would like to make on other point, sir. In the hierarchy of the appeals procedure, the first appeals in a court system in Cayman go from the Magistrate's Court to the Court of Appeal. One person sits as a judge in a Court of Appeal where there are three judges, a president and two. The highest Court is the Privy Council, which ranges from five to seven Law Lords, or Privy Counsellors.

Under the Appeals procedure here, the most serious matters, status and permanent residence, will go to one person, whereas the least serious matters, work permit renewals and grants, go to a tribunal consisting of a chairman and two other persons. I think these roles are very much reversed. The more serious matters go to higher appeal courts, if they are following what I say on that.

I would ask the public to look carefully at this and to give us the feedback. But as the government clearly stated a week or so ago, we will follow the wishes of the public. These are really not recommendations, and we are not bound by them.

Now, the statement read today by the honourable First Official Member sets out very practical changes that I think will be useful. For example, reducing from the \$150 to \$2000 deposits to a flat fee of \$200 would allow for it to be less expensive for persons coming from further away to come here. Extending the temporary from 60 to 90 days is also a positive step because many times people have to go back for extensions.

Also, to speed up the grant of extensions for visitors permits within the guidelines, and also where people come more in a tourist situation that if they are going to look for a job they should be back off the island when they apply for the permits. Those I think are positive. Also the dealing with permits with companies so that the training and ensuring that proper three year business plans are in place in relation to training and moving Caymanians upwards is very important. This would be in place. Then there will be an inducement for Caymanians to move upward in the workforce.

**The Speaker:** May I interrupt you just one moment?

Is it the wish of members that we continue straight to 4.30 without a break, or should we take the afternoon break?

**Mr. D. Kurt Tibbetts:** Let's continue so we can get rid of him!

**The Speaker:** Is that the wish of the House? That we continue until 4.30?

**Mr. D. Kurt Tibbetts:** Yes sir!

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning, please continue.

**Hon. Truman M. Bodden:** I intend to now deal with as much as I can on Cayman Airways. Obviously, the First Elected Member for George Town has put many, many questions. I will answer what I can within my time, but those that get left unanswered I will obviously have to try to deal with at a later stage.

I wanted to first put the accounts of Cayman Airways into some perspective. Back in 1992, when this government inherited Cayman Airways, it was in a very serious financial state. In fact, in 1991, the net loss was \$14,310,056, a horrendous sum. At the time it owed on a bank overdraft, \$10,143,264. Today, while I am dealing with the 1998 audited accounts, which will be laid on the Table, our overdraft had been reduced to \$243,222.

Also, the long-term liabilities were then \$4.2 million and the current portion of the long-term liabilities is now \$820,000. The current liabilities were \$36,054,422. At the end of 1998 the liabilities were \$18,604,852, or one-half of what they were at that stage.

The total shareholders deficiency at the end of 1992 was \$18.9 million. The shareholders deficiency at the end of 1998 was \$5.7 million.

Now, the contingent liability of the company at that time was \$105 million. It either exceeded or was close to being the government's total annual revenue for the year. If that had continued, it could well have wiped out the whole country, if that \$105 million had ultimately been called on. It took a long time for me and the then Board and managing director to negotiate our way out of that contingent liability. We also had judgments in London against Cayman Airways, and it was not a very simple position at all.

We have moved to a stage where several questions have been raised. What I would like to first say is that criticism was made of the \$4 million and the \$600,000 that goes in each year as a subsidy of Cayman Airways. I would like to point out that, firstly, the \$4 million we get now is the same amount we got seven years ago. The \$600,000 has come in more recently, within the last three or four years. But it is substantially the subsidy of seven years ago. Believe me, the amount of money put in in the early days, where Finance Committee met at very short notice and appropriated millions of dollars, is something that has to show the stability of the company that that has not increased pea tremendously since then.

It is all well and good to criticise that one subsidy. When you look at CAL it is the one subsidy that everyone seems to look at and level criticism. But we turn to pages 22 and 23 of the Draft Budget Document, we will find that under grants, contributions and subsidies, the government in the year 2000 paid out \$36,897,328 out of which \$4.6 was CAL. But nothing is said about the rest of

theses, only poor old CAL is taken and singled out. Do you know how many grants, contributions and subsidies will be made in the year 2000? We are one of 79.

Yes, it would be good to cut that subsidy. But there are other statutory authorities, other subsidies in this thing that far exceed CAL, and nothing is said about that. Last year it was \$32,760,864, and probably about 79 as well. So I don't think it is fair to constantly single out CAL for subsidy and say nothing about all these other statutory authorities, companies and everything else.

It would really have been shocking, if you think the \$4 million is anything, but back in August 1991 some options were given to CAL of what to do. Option 1 would have meant \$12 million in cash a year. The second option (and this is not paying any of the fees) would have been \$800,000 cash injection from government. So CAL has stabilised.

They have good staff. They have dedicated staff. I guess that so much is said about not spending any more, yet we hear the call about making settlements to staff or this or that when we are saying stop spending money.

The questions relating to long term CAL employees who do not have pension benefits prior to the 1998 mandatory pensions, CAL has only 20 of its 300 plus employees who are over 45 years of age, and have more than 10 years of service. Of this group, seven are over 55 and only one has 20 years of service. CAL management is sensitive to the issue, has agreed prior to this with the ministry to develop a recommendation for board consideration for this small group of employee. So, something is being done.

The other area was in relation to why the leasing companies transferred the jets to CAL. The answer is that they were set up to be legally separate and to isolate liability. What has happened (because of the barrage of questions in this House over seven years) the legal distinction and the advantage we would have gotten by being able to say that the two companies are at arm's length was destroyed because I had to answer questions which dealt with CAL and the jets. Even the public has legally separated the two.

Questions came in such a way, that yes, I answered about the jets. Ultimately, the legal advantage was destroyed. In my opinion it was destroyed maybe three years ago. Everything from the very accounts . . . in fact, at one stage I was requested to consolidate the accounts of the companies because they are owned by government. But the legal distinction was ultimately destroyed.

I wanted to say one other thing. Some Internet release caymannetnews.com said that the cost of CAL QC could surpass \$10.5 million to \$13 million. That's nonsense. Utter nonsense. I don't know where caymannetnews.com has come from or who it is, but they have also said that the jet is being held because it can't be paid for. That's a total lie. Really, whoever is responsible for this should be responsible enough to call CAL.

About Caymanian staff and training, the maintenance staff, I may ultimately have to answer the rest of these if the member asks me questions. I have the answer, but it's a page long. Anyhow, only two persons with

airline qualifications applied for approval of hire. Ads were placed in Jamaica, Bahamas, Trinidad, training for two local persons currently employed in the maintenance department has also been planned in an effort to continue upgrading skills and qualifications of staff. Yes, we employ Caymanians whenever they are available. Sometimes we do bring in persons from other countries, and sometimes they need to acquire company or local licenses and yes, they have to be given some training here.

In summary, the education five-year plan is a living, vibrant plan. It is updated, and has been updated every year other than one with Vision. The education system is good. In fact, our results have been the highest in the Caribbean year after year, consistently. The position of the Cayman Islands as far as its economy goes is very good. I showed that in 1999 the difference between the amount repaid on principal and the amount borrowed was only \$2 million, and I repeated the statement by the Financial Secretary. And this year, 2000, it is estimated to only be \$1.8 million, the difference between the loan and what was repaid.

Further, by the year 2005 the debt will only be \$30.1 million. I also pointed out that in pensions we have put vast sums that we could have put into the general reserves or could have paid off debt or done something else with it. In fact, \$70 million increase, which is partly what has been put in by government, has gone in there. That could have gone elsewhere.

I would just like to point out that the legal ruling was that there was no obligation to pay into a fund for past pensions.

Also, at present the revenue coming from the pension fund is twice the amount needed to fund present and past pensions. So every year the less than \$6 million goes to pay for those pensions, but in any event nothing comes out of that fund, we pay for it out of revenue.

I also pointed out that, as the Financial Secretary said, \$18-odd million was contributed as a profit, surplus or whatever of recurrent last year towards the capital of the country. Also last year, the drawings on loans were much less. I think it was \$12.8 something million that we could have borrowed.

On Vision, I was given the responsibility to produce the Vision document which was really done by the planning team, so to speak, and the hundreds of people involved in that document. I thank the Lord that it has now been completed.

I just want to mention one other thing. The First Elected Member for George Town mentioned that the third jet would only be used for passengers and not freight. That is not correct. They can use it for freight and passengers. And the CAA did not recommend that we do not buy it. I can give that in more detail, but that is a fact. That is very important.

What was passed in relation to garbage fees that will have to be corrected, because the areas were wrong, should only have been that houses that are on the water, and apartments that are on the water between the Wharf Restaurant and West Bay, have increased to the \$300.

Somehow that got extended all over the place and has caused quite a bit of concern. So it was really the Seven Mile Beach area.

*[Inaudible interjections]*

**Hon. Truman M. Boddien:** Well, that's not what this House meant to have passed. No. All of us were involved. This is a law isn't it? I didn't know any more than the First Elected Member for George Town. I thought all we were doing was passing it between the Wharf Restaurant and the West Bay cemetery for houses on the beach.

At least it's good to see that I've kept this debate so high that I have most members still smiling with me.

I guess what I would say to members is that it is very important to get the right perspective on things, to take a positive attitude, to look at the good children we have, the good parts of the economy. Yes, there are problems. But to those who criticise the problems, please give us some solutions to those.

I would ask that as we continue, sir, that the Good Lord will continue to bless this country. It is a good country. It's religious and the country itself, especially when we look at the chaos that exists, whether in the education system or the economy or otherwise, we are indeed very blessed. I would ask the Good Lord that that continue in the future.

Thank you.

**The Speaker:** We have approximately seven minutes to the standard adjournment time. I think it's unconscionable to ask someone to start speaking in that short period of time. I recommend that we move the adjournment of this honourable House.

**Mr. D. Kurt Tibbetts:** You can't ask someone who has listened to him all that time, Mr. Speaker, it's right to do that.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

## ADJOURNMENT

**Hon. Anthony Eden:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM Thursday.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM Thursday. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.28 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 9 MARCH 2000.**





**EDITED  
THURSDAY  
9 MARCH 2000  
10.27 AM**

*[Prayers read by the Honourable Minister for Tourism, Commerce, Transport and Works]*

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

Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have received apologies for absence from the Fourth Elected Member for West Bay who is not feeling well.

Item 3 on today's Order Paper, Government Business. I would appreciate the moving of a motion to suspend Standing Order 14(3) in order to take Government Business in lieu of Private Members' Motions, as today is Thursday.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**SUSPENSION OF STANDING ORDER 14(3)**

**Hon. Anthony S. Eden:** Mr. Speaker, I move the suspension of Standing Order 14(3) so that Government Business may take precedence over Private Members' Motions, this being Thursday.

**The Speaker:** I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The Standing Order has been suspended.

**AGREED: STANDING ORDER 14(3) TO ALLOW  
GOVERNMENT BUSINESS TO TAKE PRECEDENCE  
OVER PRIVATE MEMBERS' MOTIONS.**

**The Speaker:** Moving on to Government Business: Continuation of the debate on the Throne Speech delivered by His Excellency Mr. Peter J. Smith, CBE, Governor of the Cayman Islands on Friday, 18 February 2000.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, before we get into the continuation of the debate, as you are aware I got your permission not to be here on Monday. When we left on Friday, you were supposed to do a ruling on my point of order with regard to what the Minister of Education was reading. I would like to know what that ruling was.

**The Speaker:** That was read into the *Hansard*. I would suggest that you get a copy of the *Hansard* and we will discuss it after that, please.

The floor is opened to debate. Does any other Member wish to speak?

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**GOVERNMENT BUSINESS**

**DEBATE ON THE THRONE SPEECH DELIVERED BY  
HIS EXCELLENCY MR. PETER J. SMITH, CBE, GOV-  
ERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 18  
FEBRUARY 2000**

*(Continuation of debate thereon)*

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker.

I rise to offer my contribution to the Throne Speech as delivered by His Excellency the Governor. I too would like to take this opportunity to offer congratulations to him on his maiden speech, as some people term it when you deliver your first speech to a Parliament. I think he did a good job.

I would also like to say that I am very pleased at the level of debate that is taking place in this Honourable House up until this time. I think it was started by my colleague, the Third Elected Member for Bodden Town and the standard has been maintained.

I think this is a good message to go out to the public that we can debate at a level where I am sure the public appreciates what we say and do here. Many people say that our younger generation will be listening to us, and I am sure this is a good example that we set for them. I will briefly go over areas that are not pertinent to my ministry and then I will speak on my ministry in more detail.

I would like to say special thanks and best wishes to Mr. Thomas Russell who will be stepping down as the Cayman Islands representative in the United Kingdom. I know Mr. Russell has done these islands a great deal of justice. I would venture to say he was one of the most, if not the most, popular Governor ever to come to these islands and he has represented the Cayman Islands in the United Kingdom with very professional and very capable efforts.

I would also like to offer congratulations to our own Caymanian, Ms. Jennifer Dilbert, who will be taking over the post. I am quite certain that she will also do the Cayman Islands proud being the first Caymanian to be appointed to this post . . . and a woman as has been indicated to me by my friend, the Elected Member for North Side. This shows, once again, the maturity these islands have come to and I know it will be good for us all as we have a person there with our feelings and emotions knowing the culture and the way that we think. I think she will do a great job.

The Royal Cayman Islands Police Force has been under a very difficult strain lately. I must take my hat off to its leader, the Commissioner, for the job that he has done. Over recent times, from September last year, the difficulties that he has had to deal with, the problems and riots at Northward with escaped prisoners—much of problems that he has had to deal with is not by the Police own making. One of the things that I appreciate with Commissioner Thursfield is his forthrightness and frankness in sharing with members of Parliament and the public what has taken place and what he plans to do.

One of things that I appreciate and see is the aspiration for this year, the pilot scheme of cycled patrols and the school liaison. Also, Mr. Speaker, the programme DARE, which I am made to understand is very popular in the United Kingdom and also in the United States, where the early intervention programme is focused at the primary school level. People will be sick of hearing me preach this but I honestly feel that the earlier get to our youth to make them aware of the dangers of drugs and its dreadful effects on them, the better it is. I strongly support the efforts in that area.

Moving on to the Prison Department, these certainly have been perilous times for these islands. But, thanks be to God, there is a degree of stability now as we move forward to make Northward [Prison] a more secure place. I had the privilege last year along with the Honourable First Official Member and a gentleman from Social Services in the Probation [Section] to visit the Turks and Caicos Islands where we observed their prison.

I must say I was quite impressed with what I saw there. It was a sensible and a logical layout. There was a part in the middle and down three or four lines you could look and observe exactly what was going on. I think in the future if we come to that stage when we do build a new prison (as has been advocated by some people) that we have the opportunity to look at a situation like this where it could be utilised here in the Cayman Islands.

Mr. Speaker, I would like to now speak on areas in Immigration. As we all know, this House has sat in a Select Committee of the whole House dealing with the concerns of immigration and we all know that for us to go forward as a community we have to come to grips with the immigration situation in these islands.

Over this weekend, I spoke to a lady from my own constituency. She has been here for 42 years and still does not know what will happen to her. I hope that once we have come to a resolution and finish taking input from the public . . . and many of these people are in this

situation, Mr. Speaker, they know no other home but the Cayman Islands. I think we have to give them that assurance or reassurance that after spending so many years here some 2 - 3 decades and in this instance 4 decades that they will be able to live with the comfort of knowing that they have a safe place of abode.

Many of them have made significant and impressive contributions to the development of these islands, and I think it is no more than fair that we regularise and give them that degree of comfort.

One of the areas that I would like to speak on . . . I think just last week ideas were put forward by the First Elected Member for George Town, the Chairman of the Immigration Board, and I. But what I would like to say to the public is that all we did was summarise what input we had taken from the public and what we had gathered within the community. It was not our putting forward.

This sub-committee was chaired by my good friend, the First Official Member of Government. I must say, I think in what we were doing there was a good job and it made it easier for the whole committee of the House to understand what we were doing.

I must say that under the chairmanship of the Second Official Member we have made significant strides and we have all as an elected Parliament stuck together on this. We have come a long way and it is an area that whatever happens in this Parliament, we can certainly say that we have taken this bull by the horns and have attempted to deal with it. We have given the public the opportunity for input and there have been no firm decisions, no final proposals as to what will happen.

We still invite the public's input, and we look forward that before this House is finished that we can finally come forward with the document that we as representatives and the public on a whole will be able to live with and go forward for the betterment of these islands.

Mr. Speaker, in the Portfolio of Finance and Economic Development, there has been a tremendous amount of work done under the able leadership of the Honourable Third Official Member. How he holds out sometimes is beyond my wildest understanding. He seems to be in the Glass House every time I am there late and I think we can look up to his leadership in this area under very difficult circumstances, as every time we turn around we seem to be confronted with something from OECD, G-7, EU—you name it!—and we are being laced with it. But thank goodness, with his faith in God it has given him the ability to lead and guide these islands in the area of finance.

He has many able and good managers that work with him. And I must take my hat off to Mr. Peter Gough and his support staff—for the many hours that they put in and Budget time. They will sit down and talk about our concerns if we don't understand what is what and the further implications. These people always have the time to sit and talk with us.

Mr. Speaker, the initiatives that are being put in place and the meetings that are being arranged and the discussions under the able leadership of my colleague, the Minister of Education, the Third Elected Member for George Town; the Minister for Tourism, the Second Offi-

cial Member and, of course, as I said earlier the Honourable Financial Secretary. I feel that these will pay dividends. As the public out there knows the commitment of the Cayman Islands in these areas, our firm intention to deal with whatever the problems are and to raise the standard of doing business in the Cayman Islands. We have always been an international leader and we will continue to do this in the good hope that the public out there internationally will understand the commitment that these islands have to where we are now the fifth largest financial centre in the world.

We take this serious, Mr. Speaker, and when we have the leadership that we have here and the dedication, the many long hours that these gentlemen have to put in, we hope that it comes to a successful conclusion. It is really the future of these islands and we have to do what is best and I know that is now being done.

Mr. Speaker, there has been much talk about pension and the Pension Board. All I would say on that is that whatever happens I think it is best for the civil service that equity seemed to be done across the board. And, once all of our Caymanians are comfortable, it will encourage them to perform at a higher level and the dedication and the commitment there by our Caymanian senior managers, we must encourage them.

I would urge that whatever support that we need to give to them, whatever we need to put in place to make it easier for them who put in long hours that we make sure that everything is equitable across the board.

We know the phenomenal success of our Stock Exchange. I know it is the fastest growing of any entity in the world of this type and it has brought the Cayman Islands so that the international monetary [personnel] will understand and know the commitment once again of our Cayman Islands.

Also, the Cayman Islands Monetary Authority when we move on with the proper legislation to have it as independent as possible, that is something that the international operators are looking at and I know once that is finalised it will be another stepping stone to show how serious the Cayman Islands are about our position in international finance.

I would like to take my hat off to the Deputy Financial Secretary for the work he has done on the Shipping Registry. Its incredible the growth that we have seen in that area and I say it bodes well for the Cayman Islands what has been put in place under his leadership.

Customs, I don't need to say a lot. Under the able leadership of the Collector, Mr. Carlon Powery, for the first time ever that department exceeded revenue of \$100 million to the tune of \$102.5 million in 1999. What was also most encouraging, Mr. Speaker, is Cayman Brac's contribution which was in excess of \$2 million.

It goes to show that the efforts that we have put in place to assist Cayman Brac are now paying off. But we must not just pay lip service to what is happening in Cayman Brac.

We must continue to look at areas where we as a Government can assist and improve the fate of Cayman Brac because when you look at the innovative manner and the ambitious way of the Cayman Brac people as

many of the leading businesses and firms are headed by Cayman Brac individuals. I know it is incumbent on us to put in place what we need to do to make it easier for the young people over there (in Cayman Brac) to make a living. I feel sure that within the Government system alone there is much back office work that could be put over there. So, we have to take this serious and assist wherever we can.

Speaking on the Ministry of Agriculture, Communications, Environment and Natural Resources, I had the honour and the opportunity yesterday to attend the very successful 34<sup>th</sup> Agricultural Show. It was most impressive and the throngs of people that were there, I think, the Minister has done a good job in turning this around and the support that the farmers need we must once again not just give lip service to them but we must be serious and genuine.

One of the areas that I looked at is really pertinent now to the Agricultural Show, and that is the prizes that are offered to the farmers who truck in their animals and produce from long distances. The first place prize for some is just a pittance, sometimes \$5. I think the cattle is \$100 and if you think it is a picnic bringing those cattle from long distances with trailers, up all hours of the night . . . It was also good to see at the fair the representation from the Cayman Brac people.

The organisation was also very pleasing. I must take off my hat to the Minister for Community Affairs and the Sister Islands to see her there some ungodly hours working along with our people.

This is a good message to send, the encouragement that we give to them. I know their dreams and aspirations is one day to have their own fair over there (Cayman Brac). That would certainly give a lot of encouragement. The wonderful products that I see coming from there—the papaya, cassava, sweet potatoes, bananas, and some of the cattle. It really goes to show when a determined effort is put forward by a community what can be done.

The 911 Emergency Communication System, we all know how beneficial that is to these islands and we have come a long way since we have started this a few years back but it is of very great importance to these islands especially in cases of emergency.

Postal Department: It is with great pride and joy that I speak on this as the electoral district of Bodden Town was just recently the recipient of a brand new Post Office being opened. This was desperately needed in that district. The Postmistress there, literally on the edge of the road for decades under very difficult and adverse circumstances, being suffocated by dust and every time she stepped through the door, she was taking her life in her hand, actually almost right in the middle of the road. But, thank God, the people of Bodden Town are very pleased to have this outstanding facility and it was good to know that we as representatives for Bodden Town work together and supported this community effort.

It was also pleasing to see that in due course we will be looking at post offices in Savannah and also one at the West End in Cayman Brac. I don't need to tell this Honourable House how the Savannah/Newlands area is

literally exploding population-wise over the past decade. We all know that the Bodden Town electoral district has been the fastest growing district in these islands and we certainly look forward to the day when we can have a much more enhanced and enlarged facility for that area of the district.

Mr. Speaker, in the Ministry of Tourism we continue to make strides. There was a slight downturn in air arrivals last year but beside that there was a significant increase in cruise ship arrivals, which has been of great benefit to these islands. We continue to grow in this area and I am very pleased with the facilities that are now in place for the visitors like the Botanic Park and our own district of Bodden Town, Pedro Castle. This is an absolutely wonderful facility and, I think, it's a credit to these islands and I would say to the entire Caribbean when I see what has been put in place there.

Yes, it has cost a few dollars more than what we expected, but I think it is all worth the while as its part of the history and culture of these islands.

If we don't know our history and we cannot tell our children much about where we have come from, it can now be seen in the displays at Pedro Castle. And, once again the beauty of the Botanic Park no matter how stressed or uptight you may be it is most relaxing when you take a walk through that wonderful facility.

Road Works: I take great pride in seeing the amount of work being done on the roads—and I must say that Bodden Town and the eastern districts actually from Prospect up to Breakers—historically, Bodden Town was a district that was neglected in past administrations prior to 1992. There was minimal work done despite being the fastest growing district in the island but there is still much to be done.

When I look at the barber green paver that has been put down, I am very pleased to see how the shoulders are now being fixed. I know it was a serious concern of all of us as legislators the possibility of overturning but I know in due course the shoulders' work will be completed. They are really doing a good job on this.

I am sure that for the next one or two decades that amount of work that is being done will not have to be dealt with. It is of a very high standard and it is a pleasure when you get on from by Cayman Foods and go right on to Spotts. I am looking forward as we go into this year and next year, whoever is here, that they will continue these programmes of improving our main roads.

I know specifically in Bodden Town, we still have a lot of side roads that need to be dealt with that has never been touched. I know the Hirst Road going into Newlands and Northward has never had a recent overlay or chip and spray, but I am hoping that we can do some of that work this year.

One of the biggest concerns to us as representatives of Bodden Town is the junction by Tall Tree. I am hoping that we can deal with this as it is a source of frustration in the morning for people coming out of there because of the number of people that's now living in that area. I guess this is one of the problems that we experience when we move into communities that are populous. We have to deal with the side effects. But I am hoping

that with my colleague, the Minister for Works, that we can come to a solution that will ease this up. Basically, what I see works really effectively is if we as drivers courteously and sensibly . . . all we need to do is to ease our foot off the break and let one or two cars come out and the traffic keeps flowing.

Where the big problem comes in is when we stop and let out maybe 4 - 6 cars and then the chain reaction which then takes us into Bodden Town almost as far as Pease Bay. I know that the Minister will be looking and has looked at us with many of these problem areas and we will deal with this. It's not a short-term solution but as we go forward there must be some relief.

I am very pleased with how the Crewe Road Bypass is moving. I see they are now at the area close to the Lions Centre and once this is sorted out hopefully in very short time, it will alleviate many of the problems that we have.

Mr. Speaker, what I found so very interesting this morning (and it is with the knowledge that the schools are out) was how the traffic flowed. Can't we as legislators and the powers that be—the Education Department—can we not sit down and analyse this situation and try to work around that problem whether we take a few hundred thousand dollars and provide a dependable and trustworthy public transportation system, or whether we need to sit with education and vary the time an hour or so . . .? But it was incredible at primetime this morning, I left home a little bit after 8.00 a.m. and by 8.30 a.m. I was in town. Normally that takes an hour or an hour and a half. We must as a country, Mr. Speaker, look at these problems and try to address them.

Building more roads will help. But we have to come to grips with the number of cars on this island. There will be relief, but what it boils down, Mr. Speaker, is that when the vehicles get into George Town, where are they going to go? I am hoping that we as legislators can sit together and discuss and I know under the leadership of the Minister for Works that we can come up with solutions. I think it is of great importance that we do this not only for us here in the Cayman Islands but for the growth of our tourism industry. Nobody wants to come and sit here hours on end in traffic lines.

I know we as Caymanians have difficulty in adapting to change but I sincerely believe that if we provide a dependable transportation system, I would be willing to leave my car at home, I wouldn't want to be fighting the traffic the way that I do. But once again it just boils down to coming together as mature and bipartisan representatives to deal with these problems.

Fire Service. What can I say? We cannot give enough credit to the Chief Fire Officer, Mr. Kirkland Nixon, under his leadership what he has been able to accomplish with the efforts and dedication of his staff and whatever the philosophy he has put in place of using so many Caymanians. I think these islands can certainly with pride take our hats off to Mr. Nixon.

I am pleased to know that for the eastern districts a location has been identified where the Vehicle Licensing Unit for Bodden Town, North Side, and East End should come on line later on this year. Once again, this will offer

some relief from the congestion especially of the big vehicles which are mostly on the eastern part of the island where they can go in and get inspected and keep that heavy traffic coming into George Town.

Mr. Speaker, on the Port Authority, I am pleased to see how things are moving there with the new crane and the amount of cargo that is handled. I know there were concerns by some of us over the speediness and the turn-around for the boats, but this seems to have gotten sorted out. I am glad that we are now in a position where we are going to make some money out of that facility.

I now move on to the Ministry of Education. It was pleasing to see the development of the national curriculum, the key stages 3 and 4 and the books, Years 1 through 6, have been developed in the area of Social Studies. This, Mr. Speaker, is another indicator of the progress of the Cayman Islands where we can have books that are relevant and pertinent to our own culture.

I am pleased to see the training of Caymanian teachers and the emphasis being placed on moving more Caymanians. I do know that one of the concerns at that time that the Honourable Deputy Financial Secretary was looking at was increasing the entry-level wages of university students into education (the teachers). The little pittance that they were getting it's good to see that they now have some relief also nursing.

**Mrs. Edna Moyle:** *[Inaudible comment]*

**Hon. Anthony S. Eden:** It's quite interesting and the Member from North Side is correct that the vast majority of these people . . . We must encourage and do whatever we need to do to make it easier especially for the teachers, nurses and doctors.

Prior to this, nobody wanted to go there—it was the last place in the world they wanted to go to work at and it was the facility that existed in previous times but thank God, I have seen an increase. I encourage our young Caymanians, our graduates that are coming out of high school to look and focus on teaching and medicine. There can be no greater degree of satisfaction than having our own Caymanians work in these areas.

The area that really makes me feel sad is what I have experienced with the Breakers Rehab, and the great difficulty that the Minister had with getting approval for a primary school at Spotts. I am continuing to experience with the secure remand rehabilitation facility for our juveniles.

We as a country and as legislators must look at these difficulties. Something as important as education and the rehabilitation of our youth, we must be able to cut through the bureaucracy of sitting down and waiting when people that don't even live in the district can sit down and object to facilities. I am not saying that we deny people their democratic right to object, but, by God, we cannot continue with what's going on in these areas.

I am pleased to see the advancement of the air conditioning of all of the primary schools and now shortly all of the secondary schools. I found it quite interesting last week when I attended John Gray High School, year 12 in preparation for their final exams when it was re-

vealed to us that over 90% of the graduating class of 2000 plan to attend our community college. This speaks well, Mr. Speaker, for the facility. It allows our young children who may not be ready for the big wide world to stay at home with their parents and family and have that degree of protection and safety.

There are so many wonderful young children out there, Mr. Speaker. Just this last Monday afternoon, I was listening to some wonderful young ladies who spent their Monday afternoons between 4.00 p.m. and 5 p.m. on Radio Cayman. I think we should take our hats off to these young ladies—they are Anika Martin, Faith Geely and her sister Grace, there was a young lady there from West Bay, I don't recall her name right now.

But, Mr. Speaker, when you listened to the depth and understanding that these young ladies have, their concerns for these islands it was very touching to me. The concerns of the fast development of these islands, of the mangroves and of their very serious concern that what we as parents and adults took for granted when we were growing up, they worry that they may not have this for themselves or their children down the line.

It was a pleasure to listen to them and I would like to encourage them and other young people to express their feelings in this manner and to let us as representatives know their concerns. By doing this, Mr. Speaker, we can make a better place for us all in which to live.

Mr. Speaker, I may be out of line on this next subject, but it is dear to my heart and all of us as representatives from the Bodden Town. It is the recognition by the International College of the Cayman Islands (ICCI). It's hard to believe that still exists in this day and age when . . . and I am not bragging about my ability but I will certainly brag about the ability of the Third Official Member of this House who went there, my good friend in the private sector, Mr. Carlyle McLaughlin, was a partner in the firm of Ernest and Young, many others and I that these island can look up to as examples and still wherever the powers may be when it comes to recognition or promotion, I am not sure which one it is within the civil service it is still not looked at.

I do know that there was an assessment made, but I still think that we as a nation need to look at this situation. The College has been there for over three decades. Back in 1970 when I came out of the United States Military, one of the benefits I had for serving three years was to receive benefits under the GI Bill. Mr. Speaker, the Department of Defence recognised ICCI (at that time) as a provider of higher education. Let me tell you that there are not too many colleges in the Caribbean that had that distinction.

One of the concerns is the rating by two of the catalogues or magazines that recognise schools of higher learning (one is Barons and the other is Petersons). Barons' terminology refers to "competitive" and Petersons' refers to "difficult." But, Mr. Speaker, why can't we sit and look at this and get it resolved? There are many young Caymanians that have been there and have gotten their degrees and are now in the private sector and they receive due benefit. I would encourage the powers that be to once again look at that situation. Mr. Speaker, if we

don't do something I don't see how the College can continue, and that would be sad.

I know that some of the students that go there may not have finished high school, but they are prepared to work. Let us give our people the chance. Let us give them a choice as to where they would like to go. It is a fact that the degrees from ICCI can be transferred to most universities in the United States.

What is the big mystery?

What is the big hang-up?

I must declare my interest in saying that other Members of this House and I are on the Board of Trustees, but I think it is a great injustice what is being done. Whatever we need to do to get it regularised, let us as a Parliament or as a community come to grips with it.

Mr. Speaker, I would like to move on to the Ministry of Community Affairs, Sports, Women, Youth and Culture. It has been a distinct pleasure to work with Mrs. O'Connor-Connolly, the elected Minister responsible. She, like most of us, has had difficult times to get to where she is. But I am very proud of what she has been able to accomplish, sometimes without the full support that I think is due her for whatever reason.

As I indicated earlier, I saw how she worked with her people in arranging to get them to come to the Agricultural Fair yesterday from the early morning hours. I am also aware of the tremendous efforts when the floods were in Cayman Brac last year. I say, give her the chance. I can tell you also that (and I am not taking stories out of Executive Council) she has brought some very good legal perspectives and different angles. I really appreciate some of the ideas that she comes forward with. She has certainly brought a degree of stability to the National Pension Plan, her work with the youth and sports and also with women.

I was certainly pleased to see that one of the outlines for this year (under Community Affairs) was that the Ministry would liaise with the Ministry of Health to see how efforts can be combined to strengthen communities using the Community Development Officers, the Community Development Action Communities and the District Beautification Committees.

Mr. Speaker, I very much welcome this. Even before she put this in here, she and I had been talking of how we could work and share some of the resources. One of these is in Cayman Brac in the area where the old swimming pool was, and I look forward to working with her where I am made to understand that the young people over there want to develop a facility where they can go and (to put in slang terms) 'hang out,' be supervised and have fun.

Mr. Speaker, I would like to move on to my own ministry. The first area that I would like to touch on is what was formerly Cayman Counselling Centre. We have now changed the name, and it has become a department for better and easier management to Caribbean Haven Outpatient Services. Counselling issues relating to alcohol and drug addiction remains the focus of the Caribbean Haven Outpatient Services.

During 1999, 295 new clients were assessed and entered the treatment services. In addition, continuing

care was provided to 373 clients already in the service. This represents an increase of 63 new clients. As well as addiction specific counselling, Caribbean Haven Outpatient Services offers counselling to people affected by domestic violence, sexual abuse, marital and family problems, depression and poor self-esteem. In 1999, there was an increase from 1998 to 158 non-substance-abusing clients. Thirty-one clients were assessed as part of our outreach programming and entered treatment via the district clinics last year.

Mr. Speaker, an early intervention group was piloted in cooperation with the Women's Resource Centre for young female adolescents and had excellent results. This group will be added to Caribbean Haven's ongoing treatment programme. Two more adolescent treatment programme groups were conducted at John Gray High School and in addition adolescents referred by the Cayman Islands Marine Institute were counselled at Caribbean Haven Outpatient Services.

The services provided to Her Majesty's Prison Northward have been expanded to include an increase in counselling time for both male and female inmates and a Caribbean Haven Counsellor is co-facilitating an ongoing group therapy which meets weekly.

Staff from Caribbean Haven Outpatient Services was heavily involved in the 1999 drug awareness month activities. One of the events sponsored by Caribbean Haven was an open house during which participation awards were presented to our community partners.

Also last year, staff participated in some rigorous training, which resulted in a restructuring of the treatment programme so that more treatment options are now available. New programmes include a family support group, structural relapse prevention group, a motivational enhancement group, a 12-step facilitation programme, and an early intervention prevention group for adolescent girls. There is also a new central intake system, which allows clients to be matched to the most appropriate treatment resource.

The sister islands counselling centre also saw an increase in new clients from 28 in 1998, to 51 in 1999. That too has been renamed Caribbean Haven Sister Islands.

Building renovations for the residential treatment centre in Breakers are underway, and it is anticipated that the centre will be operational in the summer of this year. The centre will have the capacity to admit 15 residential clients and an additional 8 clients for the day programme.

Plans to open a halfway house in the year 2000 for those clients who need longer supervised care are also in progress. I must say that I was very pleased on visiting the site a couple of weeks ago to see the progress being made. I feel sure when, in due course, I have the opportunity to take my colleagues in the legislature and you, Mr. Speaker, to look at this facility we will be proud to see what is there. Certainly to me, it appears to be an ideal setting. The philosophy has also been within the ministry that if we can provide these rehabilitation services here in the Cayman Islands, we have a greater

degree and hope for success in dealing with our problems in the area of drug abuse.

On Cayman Brac, the first phase of building a stand-alone facility for drug counselling was initiated and will result in a detailed site plan and cost estimate, which we hope to deal with later on this year.

Mr. Speaker, I will now move on to Social Services. In the year 2000, the Department of Social Services will direct the majority of their efforts toward the children of the Cayman Islands. The recent study of the family in Caymanian society by Dr. Eleanor Wint revealed that there was a need for parenting skills to be enhanced in all aspects of society. In order to have children who grow up to be healthy, contributing members of society must help parents to be able to raise them to be this way.

Mr. Speaker, it is not easy. It is not an easy task to be a parent. But it is one of the most fulfilling things a person can do. It is therefore commendable that Social Services has seen fit to be proactive and offer assistance in training parents for this noble task. Accordingly, the department will offer a comprehensive national parent training programme dealing with all aspects of healthy and effective parenting skills.

Just last week I was reading from an article and with your permission I would just briefly like to read this into my contribution. It comes from a magazine called *Awake!*, produced by Jehovah's Witnesses. The article was talking about the situation in Canada. Just briefly, the headline was "Shortage of skilled parents."

**"Canada's first national survey on parenting reveals that 'many [parents] lack even basic knowledge of how children develop and how parents can assist in that process,' says the *National Post*. Of the more than 1,600 'fathers, mothers, and single mothers with children under the age of six' surveyed, 92 percent acknowledged that being a parent is the most important thing they can do. Yet, 'less than half were fully aware they can positively influence their child's level of intelligence by reading to them, playing with them, touching them, or holding them.' Additionally, about 30 percent 'believe every baby is born with a certain level of intelligence, which cannot be increased or decreased by how parents interact with them.' Such findings are troubling, says the *Post*, since research shows that 'a child's first five years are pivotal in developing their ability to learn, create, love, trust, and develop a strong sense of themselves.'" [Awake!—8 December 1999]**

Mr. Speaker, there is not much difference between Canada and the Cayman Islands in this area. That is why Social Service is placing this emphasis on parenting and trying to deal with the situation, especially with our younger parents. It is the most difficult task that we have to deal with in this day and age. I know that one of the great concerns we share in these islands is the way in which we go forward and deal with our younger people. They are the future of these islands, and many of the problems that we see exhibited today in the schools and on the streets come from the lack of proper parenting.

Mr. Speaker, there will always be a handful of difficult children, but I do believe that when we undertake our

God given responsibility to raise our children in the proper manner . . . and people will say one parent families, but I have seen many one parent families where the children have turned out to be very fine youngsters.

Throughout our Cayman Islands the vast majority of our children are wonderful and excellent kids. It is too sad that we do not hear enough about them. Most of the time the emphasis is placed on that very small minority which, if we looked at it closely, would be less than 100 in these islands. I say we must place emphasis on this area of concern and whatever we need to do we must come together as a community, as legislators and unite towards this effort to make our youngsters more comfortable with their surroundings, give them the choice of growing up and providing the services for them.

Many of the younger ones . . . you can go on the street 2.00 - 3.00 in the morning . . . and I know that it has been suggested that a curfew is the wrong thing to do, but I honestly believe that we are coming to the stage that we must come to grips with this. Whatever we have to put in place it may not be the thing to do in other territories, but if we are going to deal with some of the problems that I see evolving here, we must stop pussyfooting around and do the right thing and put our foot down once and for all. We must as a nation do the right thing. We must be able to identify within the school system when they are there but it should be done before it gets to the schools, Mr. Speaker.

Are you going to tell me that on occasion a parent of a 3, 4 or 5 year old has to ask Social Services to intervene? It is absolutely ridiculous! If this is the way that we are going to raise our children . . . I hear the thing about a village has to raise a child, I do not necessarily agree with that theory. I think the responsibility of that child being raised should be by that parent, whether it be one person or two. We should not come with the idea that a village has to raise my child, but that is how life is. I have no problem with the community pointing out to me if there is a difficulty. If they see my children doing the wrong thing, let me know.

I will die with the belief that we as parents have to accept our God given responsibility to deal with our children. We have to stop blaming the teachers.

Mr. Speaker, this problem starts manifesting at an early age and it has to be addressed within the home situation. If I have a rude child at home, I should not expect the teacher to have to deal with that child when he goes to school, as he will do the same thing there. I support the philosophy of putting the strap back into the schools. But that will not alleviate the problem. I know that there are many difficulties out there for some of our young children. It's a real tragedy, and one of the greatest menaces is television.

I have used this example before, but in my first overseas conference I met with some Canadians (this was back in 1993) and they said the greatest scourge ever to hit Canada was television. Mr. Speaker, I don't have to tell you that with cable television and satellite television here, our children have that access. Unless we monitor them, there is no telling what they can run into.

We must encourage and look at the opportunity which can present to censor—not necessarily censor, but prevent our young children from having access to some of the sexually explicit information that comes out on television. What are we going to do about it, Mr. Speaker? We criticise our young children. Yes, we didn't have a lot of these things when we were growing up, but whatever we need to do to address the problem, we, as a nation, should be able to take that decision and make it right.

The whole sad thing about this situation is when you look at network television . . . it is just as disgraceful, Mr. Speaker, as primetime channels. Where are we going? The great United States has experienced tremendous economic growth, but, by God, when you look at the morals in that nation . . . what is happening is really sad. When they have taken prayers out of the schools, the Ten Commandments out of school . . . what in the world do we expect our children to do?

Sadly, our Cayman society is based on what happens in the great United States. We as families, parents, and guardians must do whatever we need to do. There are international regulations that we don't necessarily have to violate, but we must get back to discipline our children in the proper manner, to take responsibility for them.

Getting back to Social Services. It is anticipated that revision of the Children Law 1995 and the development of regulations for this law will be completed during the year thus enabling its enactment. In addition, the Department of Social Services plans to implement those sections of the law for which it has responsibility by providing training to its staff as well as persons from external agencies. Training will also be arranged for 15 foster families once they have been recruited and approved.

Mr. Speaker, there is a small segment of our young people who require specialist attention since, for whatever reason, they have made inappropriate choices in their lives. This is what I alluded to earlier on. This is a fact that has been recognised for many years, but unfortunately has always been put on the back burner.

The proposed secure remand drug rehabilitation youth facility will be advanced once planning approval has been received this year. And it should be completed shortly after that, or, hopefully, next year. The facility will provide rehabilitation programmes for juvenile substance abusers as well as provide secure accommodation for juveniles needing such care, and is the final component of a continuum of care, which will be available to juveniles in our society who require such a service.

Mr. Speaker, this facility is badly needed. I need not say that. I think it will be the vehicle that will enable these islands to break the funnel that goes into Northward. It's amazing when the teachers have commented to me that the young inmates at Northward, just a short while ago were the very students that gave them a hard time at the schools.

This facility will be costly. But I am afraid if we don't do this the right way, we will go through the pangs of hell that the Honourable First Official Member has gone through with the situation at Northward. What we must

remember in building this facility is that it has to be built to international codes. We intend to do that, but the majority of the Justices of the Peace . . . the Honourable Chief Justice in his address earlier this year at the opening of the Grand Court also expressed his disappointment that planning failed to give approval for this facility. We are diligently looking at our options and, with the help of God, within the ministry we intend to persevere until we get this resolved for the benefit of these islands. It is too important to let it slide.

Everybody complains about my child or their children and the youth out there, but no one wants to agree that this facility should come near to them. Mr. Speaker, these are children we are dealing with—children under the age of seventeen. Whatever we need to do to make sure that this is put in place . . . the problems will not go away. It can only be dealt with in the comprehensive way as is being put forward. With the help of God, it is my intention to follow this through as I did with the Breakers rehab facility. We have to stop burying our heads in the sand thinking these problems will go away—they will not go away! They continue to get worse.

The programmes we need to have in place . . . we cannot continue using the West Bay lock-up and Northward [Prison], it is too inhumane. I was thankful for the support of this Honourable House when I shared with them what we are doing. I am most thankful. But we cannot give up on this. We will continue.

To help counteract inappropriate behaviour in juveniles, the department will provide a summer programme in every district of Grand Cayman as well as Cayman Brac during the month of August this year. This programme will provide recreational, educational and cultural activities for our young people and should serve as a preventative measure.

Another early example of preventative services provided by the Department of Social Services will be the provision of community outreach services by way of workshops and presentations during the year on such subjects as child abuse, domestic violence, child neglect or other social issues of concern.

Mr. Speaker, if you wish, I will take a break.

**The Speaker:** When you have reached a convenient point, or have you?

**Hon. Anthony S. Eden:** Two more minutes.

At the opposite end of the age spectrum, the department will also offer services to the elderly citizens of our country. This is with the adult care in North Side and also Bodden Town. I do know the great need in North Side. I visited there last year and just a couple of days ago. I got an impassioned plea from one of the elderly, extremely well respected resident of North Side, for the provision of a full facility to help with the elderly in North Side.

I do know that the Member for North Side has been advocating this for about eight years, and it has to be dealt with. I know, and I will admit that there are not sufficient funds in the budget this year, but I would hope that before yearend we could address this. I have spoken to



the Director and she has assured me that she is preparing information for the documentation that would go before the Public Sector Investment Committee, which is one of the routes that I have always gone through in my ministry. But I do know, Mr. Speaker, that this facility is now needed and I am pleased to know that the Director has now given the commitment that we will be looking at this.

There was a gentleman in the community who was willing to assist in this area. I need to try to understand exactly what his expectations are, and ours, but I will say to the Member for North Side that we will share with her as we go forward in addressing this. It cannot wait because in Dr. Eleanor Wint's study of the family, North Side was indicated as one of the areas that had the highest concentration of elderly.

I am also pleased to note that the churches not only in North Side but in East End now want to come forward and assist with some of these programmes. This will be a temporary situation until we become more regularised, but I certainly appreciate the churches taking this effort and we look forward that in the not too distant future that we can provide this facility in North Side.

Finally, Mr. Speaker, another initiative of the Department of Social Services is that it intends to pursue in the year 2000 the provision of aftercare services to 50 adults in areas such as counselling, work preparedness and follow-up post release from prison in order to assist the prisoner to reintegrate into society and reduce the risk of re-offending

## READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

### APOLOGIES

**The Speaker:** Before we take the morning break, since proceedings commenced this morning I received apologies from the Honourable Second Official Member who will be arriving later today.

We shall now suspend proceedings for fifteen minutes.

### PROCEEDINGS SUSPENDED AT 11.52 PM

### PROCEEDINGS RESUMED AT 12.17 PM

**The Speaker:** Proceedings are resumed. Debate continuing on the Throne Speech.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker. I was addressing areas within the ministry and under my responsibility. I was talking about Social Services. It was pointed out to me at the break that it was actually all of the churches in North Side, the primary school in North Side, the North Side Clinic, the North Side Community Development Committee that have been assisting with

the elderly and this certainly is very commendable. I would like to say a big thank you to all of those involved.

One of the areas within Social Services that we undertook was the increase of financial assistance to the needy, which moved last year from \$250 to \$400. As I mentioned last year (and I would say again) we are in the process during this year and probably into next year, we will be doing reassessment of our clients to further determine their needs, whether they still need the assistance that Government has given them.

I have had a number of calls where people in the community have indicated to me at the ministry that there are people receiving some financial assistance who have fixed deposits, apartments on rentals. Mr. Speaker, this cannot be right. The emphasis on the financial assistance is to help those that are in need. I am hoping that when we do our checks and assessments on those receiving that, wherever this system is being abused we can deal it. What we really need to do is make sure that there is a genuine need.

Over the next few years, this assistance can be increased because the little pittance that we give them of \$400 a month is not sufficient to really help our needy people adequately. By making sure that those that are receiving it are genuinely in need, we can then look at improving and increasing it.

Mr. Speaker, in time to come we must look at Social Services as being a vehicle of helping our people, not necessarily by giving handouts, but by enabling them through training to make their lives better and assist them. There are certain programmes I have seen and heard about in the United States where we can get them back to work and a lot of it would be through training programmes. And, whatever happens down the line, this year or next, I trust that whoever has the responsibility for Social Services will address these problems in that light. There will always be some that we will have to help, but I feel that some great degree of emphasis would be in assisting our people to help provide for themselves. I think their contribution to society would be much greater if we empowered them to be able to help themselves and their families.

I will now go on to speak on the implementation of the family study. We have addressed and continue to address a number of the recommendations put forward from that study and I will briefly mention some that have already started, are ongoing and will continue. One, the structural changes within the department, has been addressed. There has been a greater focus on community based initiatives and one only has to follow the various releases in the press under activities of the Community Development Unit to be informed.

The Community Development Unit is actively involved with the elderly in each district, particularly in the area of housing. I am made to understand that just last weekend the construction of a small house began by community members for an elderly woman in Central George Town—this is certainly wonderful to hear. They work closely with the CoDAC and have formed community development committees where no CoDAC exists. Christmas celebrations, celebrations of International Day

of the Elderly are held jointly with Health Services, and various outings have been spearhead by them.

Summer School was held in every district including Cayman Brac during the month of August last year. They have assisted with clean-up campaigns in each district and the establishment of parks for children. The latest proposal has been an apprenticeship scheme for youngsters who are not academically inclined.

The Community Development Unit is working on this project jointly with the Education Department. So far, one student has been apprenticed to a business in George Town. The Foster Care Unit and Adoption Unit have been established.

The Adoption Law is currently being reviewed to bring it in line with standard international practice. Training for foster parents in place. Probation and an aftercare unit have been established since recommended from the family study. Staff works closely with the courts and also Northward Prison. Efforts have been to provide regular training for all staff and so far one social worker has graduated with a Masters in Family Therapy and a second is due to graduate in December this year with a Masters Degree in Conflict Resolution and Mediation.

A well-qualified departmental trainer has been recruited for the department, and her function is to coordinate and to deliver training. She has been doing this for the past nine months.

Work with sister agencies such as the Education Department, the National Drug Council, Caribbean Haven, the Juvenile Bureau . . . health services have been strengthened and, as I said earlier, are ongoing. Special programmes have been designed to encourage growth and development of the children in care. Some very good results have been seen in the area of arts, crafts and agriculture.

School reports indicate that the children have improved overall academically. Maple House, our home for disabled children, has been extended and a respite care is offered to the disabled on a small scale.

The young parents' programme, which came into being when the First Elected Member for West Bay was there, has been evaluated internationally and proposals pursued. The need for the programme has not diminished, but we have observed that those girls who complete the programme do not have repeat pregnancies. The programme now falls under the Community Development Unit and has been expanded to serve young unskilled mothers.

Several are currently attending the programme in the evenings and are pursuing the GED with a view of improving their education generally. Vocational courses such as sewing and food preparation are also offered to them. A wide range of subjects is offered at the programme and all participants pursue computer courses at the Community College. Recently, three scholarships have been made available by the private sector to the girls to pursue two-year courses at the Community College.

Social workers continue to assist the school with family life education, child development courses and counselling when requested.

The island wide parenting programme commenced in 1998 and a number of facilitators from various related agencies were trained. Workshops on parenting by a small group continue on a regular basis at various venues. Further training will take place in May of this year by the Bernard Van Leer Foundation, and it is hoped that the momentum will be stepped up, as all districts require parenting training. I talked about this earlier in the importance of parental responsibility and the difficulties that some parents have, and we need to assist the parents with their young children.

So, as I have mentioned earlier, this indicates many of the initiatives undertaken in response to recommendations made in the family study.

Mr. Speaker, I will now go on to talk about the National Drug Council (NDC). This has been a key player in our response to the drug problem in the Cayman Islands. One of the greatest concerns in these islands today is the problem of drug abuse and the mammoth task of addressing it.

In the area of overall responsibility, this group has the task of coordinating the efforts of Social Services, Law Enforcement, the Judiciary, Customs Service and the Education Department to ensure that our efforts are consistent and cost effective in dealing with both illegal and legal substance misuse.

In addition, the NDC is the research body principally responsible for collecting and analysing data relating to the Cayman Islands in particular. Finally, it is responsible for interacting with international agencies to bring to Cayman programmes and data in a cooperative sense to make sure that our efforts are consistent with experience of other countries and that we may learn from the experience of others.

Specifically, the NDC in its 2000 plan will concentrate on the following principal objectives: The updating of the Cayman Islands Student Drug Use Survey.

This survey was administered first in 1998 and submitted to the Legislative Assembly during the week of November 12. It was the first comprehensive study conducted here that pointed out the magnitude of the problem and specifically areas, which needed attention. It is important to understand that as valuable as this information this, it is only a baseline and does not show one of the most important factors required for the implementation of policy, that being emerging and changing trends.

We must know where the problem is heading. Which drugs are being used more and which are declining so that resources may be used more effectively. This survey must be repeated and will be done during the month of May this year as planned.

The establishment of intervention programmes has been established as a priority for the upcoming year. Studies show that the after-school hours—especially on Friday nights—are when our youths are most vulnerable.

The NDC has taken the lead and responsibility for the creation of the first of five youth centres. The first is to be established temporarily at the Old Racquet Club in George Town. I would like to thank my colleague, the Minister of Agriculture, for allowing us to utilise that space and with the cooperation of the Ministries of

Sports, Social Services, and the Royal Cayman Islands Police.

Mr. Speaker, the plan is to provide a safe, supervised place for our youth to spend time after school where people and resources will be available to assist with problems or simply have a place which is theirs and which is drug, tobacco and alcohol free.

Mr. Speaker, just this past Friday afternoon, going back to the Glass House I was once again very much disturbed to see the gathering of several of our high school students around the Anderson Square Building.

We must address this situation. We know the strain that our young people are under. The kind of music they are hearing on the radio stations, I talked earlier on about the television. I wonder if the DJs on these radio stations listen to some of the lyrics that are coming out there. It is embarrassing to hear some of this stuff that is coming out and putting forth—and here we are trying to put programmes in place and our youth are being bombarded with sexually explicit lyrics and music coming from all of the radio stations. It is ridiculous and disgusting.

There is one radio station in the morning that I absolutely refuse to listen to. It is downright disrespectful to these islands and some of the vulgarity that comes over there. It is really sad.

But, Mr. Speaker, I come back to the Friday evening rendezvous of our high school children gathering. Where in the world are these parents? We all have to work, there is no doubt about that. But, by God, these are people that work in this building. When these young girls are being fondled, not necessarily by their classmates but by outsiders, do you know where your young daughter is on a Friday evening?

Do you know where your young son is?

What is the use of us putting programmes in place when after school they are allowed to roam about town and people that work in those buildings have called to the students to let them know what is being observed?

I am pleading with the powers that be and I will talk when I have the opportunity with my colleague, the Minister of Education. I know that once the children are out of school, it is not their responsibility, but we have to do something about this. It is not a good spectacle in the centre of George Town. What message are we sending? Parents shame on you!

The sad thing is, Mr. Speaker, a lot of the children are still in uniform. What a message for visitors to see and take back. But, with the help of God and the putting into use of these youth facilities, hopefully these children will have a place where they can go, where they can be supervised (and this is what I am coming to, Mr. Speaker), to supervise them and to help them with their homework if necessary, to channel some of this energy in a positive manner.

What do we expect from our young children when they are constantly bombarded on television with the lyrics of the most distasteful songs being played on our airwaves?

I urge us all to work together to deal with this problem. We need to visit these families to assist them in

whatever manner necessary (because I know it is difficult Mr. Speaker). If we don't address this at an early stage, all we will be doing is building rehab facilities and prisons for our people. We have to address this at an early age. Parents must accept their God given responsibility.

In the area of prevention and education, the NDC will continue their school based programme which provide curriculum support as well as activities to raise awareness amongst our youth and to assist in educating them, not just about the dangers associated with drug use but to provide alternatives and support in helping them to resist peer pressure. This is where much of the difficulty exists—peer pressure. Yes, when we were younger we had some, but not to the magnitude experienced by our youth today.

I would like to take this opportunity to thank the Lions Club for helping with our Quest Programme in so many ways—financially and morally. I want to thank education for allowing these programmes to go in there and now with the addition of the DEAR programme in the primary schools, I trust that this will have an earlier impact than what has been happening in the past.

We must realise that we can no longer ignore this problem. It is for our very survival that we must address this now. As a responsible nation, we can wait no longer. We saw the results of Vision 2008, and one of the greatest concerns was drug abuse and crime in these islands.

There are many out there that objected, as I said earlier, when we were trying to establish the rehabilitation facility for our youth. They had made great investments. I respect that, Mr. Speaker, I do not want to democratically deny anyone of his rights, but all of these investments can be for nought if we do not address crime and drugs in our islands. Which investor is going to come here when every time you go to the hotel room its being broken open? Petty crime! And most of it appears to be able to get a hit.

Mr. Speaker, let us find out where this problem is. We are always picking up the user. When, who, and where are the 'big guns' in this whole scene? Until we start to make some examples and find out where all of this is and who's behind it, we are just paddling in the ocean in a little canoe. Let us dedicate ourselves as legislators to working together to deal with this problem, it is too huge of a problem for just a handful of people. Unless and until we as a community accept that responsibility, we are doomed to fail.

The NDC's role in community awareness programmes: This year marks the tenth anniversary of these programmes and the first time that the drug awareness was extended from one week to one month. This initiative was very successful and it is projected to repeat this programme in the month of October this year.

Further efforts in the community will concentrate on implementation of a solvent abuse strategy comprised of an education programme combined with a merchant based system of identifying problem products and controlling access to these products by potential abusers. Mr. Speaker, it was frightening to know the sources of some of these—the glues, the aerosol cans. I am made to understand that there was a youngster that got

hooked on gasoline. The tragedy with someone like that is not only does the damage mess them up their thought process but things like gasoline cause serious mental damage. There is not a lot that can be done when children resort to these solvents, these deadly chemicals. The youths are out there crying out for help. Let us help them, Mr. Speaker.

Mr. Speaker, a few of the highlights of the programme undertaken by the NDC for this year are, in addition, the fine work that has been typical in the areas of parent and teacher education, drug awareness, co-ordination of drug education training for stakeholder agencies, supporting local, regional and international conferences and the public information and media campaign are all included in the year 2000 plan for the NDC.

Mr. Speaker, I would like to take this opportunity to publicly thank Miss Mary Lee Rowlands, the past president of Cayman Against Substance Abuse (CASA), for her hard work and dedication in leading that august body over some difficult times, and also to welcome the new president who seems to be a very energetic and a very ambitious young man. It is important, Mr. Speaker, that we as legislators give support to CASA. I would urge all MLAs to join CASA as a member. I think the fee is \$15 or \$20 a year. I would ask that you please, as always, continue to support these programmes in any way that you can.

Mr. Speaker, in closing, the last area that I want to speak on is Health. When I look back at the 5½ years that I have had the privilege and honour to be the Minister responsible for Health, I do so with considerable satisfaction and above all else with gratitude for the support received from our excellent civil service and, of course, from my colleagues on both sides of this Honourable House. I could not have done it without their trust and support in me.

At this opportunity, I would also like to thank the Third Elected Member for George Town in his winding up, the kind remarks that he had and I thank him.

Mr. Speaker, everyone knows that I believe it is essential for the political arm of Government and the civil service to work together in a climate of trust in order to achieve what is necessary for the ongoing smooth development of these blessed islands of ours. I believe that we have done great things in my ministry. With God's help, we shall continue to do so for the remaining months that I am in office.

I would like to pay particular tribute to the support I have received from my colleagues in Executive Council who have been behind me one hundred percent in the expansion and enhancement of health services in the last five years. But as I said, Mr. Speaker, I must also acknowledge the responsive attitude demonstrated by colleagues on the Backbench and the overwhelming trust they have placed in me.

They have asked sensible questions, made constructive suggestions, been fair in their criticism and generally have supported to the hilt that which was good for the country. I look forward to a continuation of this partnership as we face the new challenges in the year 2000.

Mr. Speaker, one of these challenges is already upon us and we have begun to meet it head on. I refer to the cost of health care and people's accessibility to it. I am very pleased that over 28,000 people now have health insurance and that 70% of them are estimated to have plans which have benefits greater than the standard policy. Very shortly, those for whom Government has the responsibility to provide health care will also have health insurance.

I think we should recognise that the introduction of health insurance has been a very significant achievement during the tenure of this Government. Heaven knows it has been talked about for long enough but finally by all of us working together—politicians, civil servants, insurance providers, employers and the public at large, we have put in place one of the most significant pieces of social legislation in the history of these islands. It just shows that we can do what we can do when we put our differences aside to work for the good of our islands.

Mr. Speaker, I know that there are still some teething problems to be sorted out, but we are working on these. I know that there is a motion that will be dealt with later on in this sitting, and I am hoping that we can deal with this and make the efforts that we have put forward come to a greater degree of satisfaction.

No insurance scheme will satisfy all the people all the time. In addition, some people do not understand that their particular policies do not cover certain procedures. This gives rise to frustration on their part. But, as I said, we are working on these and will continue to do so. I shall have more to say on a strategy that we plan to implement this in the very near future to inform the public and let them know in more detail. I would encourage the providers to assist in this area to help educate our Caymanians and all residents.

We must all be concerned with the rising cost of health care. This has become a big issue in other countries and it behoves us in the Cayman Islands to try to avoid some of the excesses that have taken place elsewhere.

I will concentrate my remarks on the Government health care system, but I must note in passing my great concern at the traumatically rising fees being charged recently in certain sections of the private medical sector. I am aware that this is one of the complaints being aired in connection with health insurance. Some doctors are claiming that they are not being properly reimbursed. The insurance industry on the other hand is saying they will not pay rates that are even higher than South Florida's [rates] to practitioners providing health care in the Cayman Islands. Some compromise must be arrived at, Mr. Speaker.

Turning to the Government's health care system: I am very pleased to report that, as was promised two Finance Committees ago, the Health Services Department working in conjunction with the Ministry has brought what we consider to be a fiscally responsible operational budget for the year 2000. We are determined to operate a tight cost efficient ship and we will be concentrating more and more on this from now on.

We will be looking closely to see where we can make savings in services and staffing without adversely affecting the quality of our product. Indeed, while one of our thrusts will be on cost efficiency, the other part will be on improved patient care in all sections of the department and by all members of the Health Services Department.

I have said more than twice this year to health services personnel that we are entering a new era of health care in these islands, especially, of course, in Grand Cayman. Entitled cases make up 67% of the clientele of the Health Services Department. They will now, like 28,000 other people, have health insurance and for a very modest premium will have the choice to seek their health care in the private sector where a new private hospital is about to open.

I must say well done and congratulations to Dr. Tomlinson for this very nice facility.

What I must go on to say is if the quality of service in the government sector does not please its patients, they will go elsewhere. Less patients means less demand for services and, therefore, less staff. Mr. Speaker, if this happens I can promise this Honourable House that we will take whatever measures are necessary including cutting services and staff to ensure that we run the tightest, most cost efficient service we are able to do. Government does not have money to waste, and as long as I am Minister it will not be wasted on maintaining staff and services no longer required.

We have also begun this year (and will continue next year) a massive effort to increase our revenue capture. We all know in the past that only a small fraction of revenue was collected. I look forward to bringing and sharing with the Honourable Members of this House our new fees and the regulations as promised last year. At the moment, we are only collecting a percentage of the true cost, but I don't plan to put full cost on our people at this time. I think it is a method that has to come on in increments gradually where we and our people can deal with it.

This House may have seen in the budget for this year under New Services that we have included a significant number of posts for the Health Services Finance Department. Some of these people are also acting as debt collectors. Others will be processing the increased number of insurance claims that will come in as a result of insurance being provided to those for whom Government is responsible.

Also, Mr. Speaker, as I said earlier, I hope to be able to bring to this Honourable House for approval in the very near future regulations to accompany the Health Fees Law 1999. These regulations will prescribe a new fee structure, which will involve setting fees for new services recently introduced and increasing fees and services that have not seen an increase in nearly ten years. Mr. Speaker, I don't have to tell you that the cost of health care has skyrocketed throughout the world and we hope that we can address this sensibly. As I said, in a manner that will not be a strain on our people.

We will have to gradually over a period of perhaps four or five years increase these fees until they represent a more realistic figure than they do now. It cannot be

done all at once and I keep saying this. It has to be done gradually so that people can gradually adjust their budgets accordingly.

Mr. Speaker, let me conclude my remarks on health by making it quite clear that the humane approach that Government has always taken towards its citizens who are genuinely in need of financial assistance with health care costs will continue as long as I am Minister. Those who can pay must pay. And we all know that unfortunately there are some people who believe that it is not necessary to pay Government for the services it renders including health care. This cannot continue.

I repeat, those who can pay must pay. Those who have no assets that Government can place a charge on, or whose family members are unable to assist, will receive assistance in meeting their health care costs. No one in the Cayman Islands can say that they do not have access to health care because they cannot afford it. This is a caring society and we must do all we can to keep it that way.

Mr. Speaker, I am pleased to know that in the budget this year . . . and this House has for many years anticipated the creation and building construction of a new inpatient mental health facility which also will house geriatric and a small hospice unit. For too long we have not dealt with mental health in a humane manner. It is true that the more chronic cases, we may still have to utilise outside facilities but we are on a foundation here that we can now build on. It is inhumane to have some of these people on the streets and at Northward.

I look forward to sharing the plans with this Honourable House once they have become more firmed, most of them are almost there.

Once again I want to thank the entire Legislative Assembly for the support they have given me on this. It is one more piece of the puzzle in developing a complete medical facility on these islands. I also know, as I mentioned earlier on, a parliamentary question where we will be drafting plans for a health centre for George Town itself. I think it is timely but I feel that we must live within our means and provide these services on a timely basis.

Mr. Speaker, I know it's now 1.00 p.m.

**The Speaker:** We shall suspend proceedings until 2.30 p.m.

#### PROCEEDINGS SUSPENDED AT 1.01 PM

#### PROCEEDINGS RESUMED AT 2.55 PM

**The Speaker:** Proceedings are resumed. Debate on the Throne Speech continues.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation continuing.

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker.

As I wind down, I would first of all ask your kind permission as I know it has been the tradition of this Honourable House that when there is a death in the family of any of its members that we record condolences. I would first of all beg forgiveness from my friend, the First

Elected Member for George Town, and although it is late that it be recorded to him and his family. Also, to the family of the Deputy Chief Secretary and his family, and Mr. Craddock Ebanks was one of the members of this House. I know its even much further down I am made to understand the family of my colleague from Bodden Town, Mr. Roy Bodden. Even though it's belated, I think, it is one of the courtesies that I feel that we should extend. I know that all my colleagues in here join with me in doing this.

Mr. Speaker, as I wind down my debate, I just wanted to comment on one of the articles put out by one of the real estate companies, Caldwell Banker, who normally gives some forecasts on the state of affairs of the islands. I would just like to read a brief paragraph from one of their newsletters saying, **"Our forecast of a market plateau had been correct and with some of the negative indicators we have mentioned you might expect our winter forecast to be gloomy.**

**"However, for all the local growing pains, one only has to go as far as Miami to appreciate the pluses of our country. Add to this, the continued strength of the Stock Market and the start of our high tourist season, and there are a lot of positives. As a result we predict a fairly strong selling season but not accompanied by significant value increases. In other words, clear skies for the winter with moderate temperatures."**

Mr. Speaker, I think it indicates how things are in Cayman. I know the Third Elected Member for West Bay said all is not well in paradise, and to a certain degree in certain areas I think we all agree with him. But we as legislators and as a community of committed people, can work on our areas of concern. It is only we as representatives working along with our people that can improve what we see and put in as priorities to help make Cayman a better place.

We all know, Mr. Speaker, that this is an election year. All I would say is that there is still much water under the bridge. There is still much to do before November and I would encourage us all to continue to work together towards making these islands a better and safer place for all of us in which we will be able to live.

I would like to thank the staff in my ministry—my permanent secretary, senior assistant secretary, assistant secretary and all the other staff, not only in the ministry but in the department of Health Services, Social Services, Caribbean Haven and the National Drug Council for the support they have given me, and also other areas within the civil service. I am not bragging but I think I can afford to say that my relationship with the civil service through my eight years has been quite cordial. I have a lot of respect of them, and there is a lot of potential, a lot of resources that we can tap into there. As we go forward, I hope that we can use these resources to the best of our ability. By working together, we can make these islands a even more better place than what we now have. Thank you.

**The Speaker:** The floor is opened to debate. Does any other Honourable Member wish to speak?

The Elected Member for North Side.

**Mrs. Edna Moyle:** Mr. Speaker, I will give way to the First Elected Member for West Bay.

**The Speaker:** If that is your wish, the First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Thank you, Mr. Speaker.

This Throne Speech will be the sixteenth that I have debated in this Honourable House, and twenty budgets. While I can congratulate His Excellency the Governor on his presentation (being his first in this Honourable House, a quite a good presentation) the content from the government of the day is lacking in direction to deal with our problems.

Mr. Speaker, the state of the country is not good. There is uncertainty, disenchantment, far too much crime and rising poverty. The sad fact is that there is not very much in the Throne Speech—which is the first in the new century, the new millennium—to address the uncertainty, disenchantment, the crime, and growing poverty.

Mr. Speaker, I have never been one to run down my country. This is where I was born. Here I live and hope to have my bones buried. While we have a lot of problems and insufficient vision in its present management where leadership is expected, this is still the best place to live. I am proud of our civil service.

I am proud of our good workers who do their part to keep the country running and, in the words of an old [Jamaican] festival song, "Nu Whey Nu Betta Dan Yard" (Nowhere is Better than Yard), in spite of Government. Nevertheless, Mr. Speaker, we are all suffering the agony of misdirected leadership.

Mr. Speaker, I am concerned too about the state of our democracy. I recently wrote in *Common Sense* that while the 1980s and the 1990s were a time of renewing of democracy around the world, I found that in the Cayman Islands many things were slipping that we could count on as a democratic country. If there is not good government, democracy will suffer, and, unfortunately, there is a weak cord running presently through our Government. It is evident by the way some Executive Council members operate.

Mr. Speaker, we talk about openness and accountability—and we see how well the Pedro St. James Castle fiasco has been covered up thus far—and we know there is a breakdown in good government. When we see the slight-of-hand to put more money in the hands of Government by taking from the Environmental Fund, we know that there is a lack of good government. When we find out that huge sums of money are not put towards Government's liability of civil service pensions, good government is lacking.

When Executive Council members embark on million dollar projects in our districts without the involvement of elected representatives, this is the worse kind of Government. If MLAs cannot function properly and if we cannot participate in what is the simplest part of representative government then how can we have good govern-

ment? Mr. Speaker, all those things just further erode our democracy.

I would hope, sir, that with new ideas and reform this will change the way things are done or else we will not boast of being democratic in the future. We know that democracy is in trouble and good government is lacking when the independence of the civil service is interfered with. Mr. Speaker, that was obvious when the Director of Social Services was stopped from attending the public meetings on crime. What was the purpose of stopping the lady?

Here we are trying to do something about crime, which is affecting the whole country and the one person who knows about what is happening, if not on a daily basis certainly on a weekly basis, they stop her. This fashion of government only highlights the blatant disrespect they hold for elected members.

It also highlights the fact that there are attempts to make elected representatives less effective in their efforts to represent their people properly. This is an eroding of democracy. It is a dangerous trend. In a democracy, everyone has a responsibility—not just Government but all of us.

Sometimes the Government says that we in the Opposition are responsible too; yet when the time comes that we may share in that responsibility, they act like it is only the Government that needs to know or must have the say. Many times when they are in trouble, they come running like little children asking us to be involved. And most times, it is only something which they need to stand up and be counted as responsible men instead of ducking, hiding, and running from the problem.

Mr. Speaker, I could stretch this out beyond this House too because it is most obvious that there are those . . . no matter what representatives face or plan to do, they don't have the time to give a moment to assist. It is not just the Government that has a responsibility in a democracy or in a country.

Mr. Speaker, you will notice there is always a flurry of activity at election year. It seems some people only believe that they have a responsibility if they are going to get involved as a candidate, yet they quietly have a good time for the four years. This is a democratic country, and I don't believe the people will be fooled!

Mr. Speaker, I have been criticised by the Government and by their candidates running around the country about not offering alternatives to the problems. Other members have been criticised as well. I can speak for myself, Mr. Speaker, and, to be fair, I can speak for several backbench members. When I was in charge of policy it was a good time, and things started to get better for the community from various standpoints.

So, they can criticise me all they want, but I have a good record of accomplishments that I believe fare the country well—sports, youth development, the elderly and veterans, housing, training, women affairs, social services (that the Minister spoke about this morning) and the programme for young girls; community development, student loans, pensions—something that various members of long-time service and who were responsible for

pension for years could not get, including the present Minister for Education.

Labour benefits . . . when I consider that people were not able to get proper vacation time until we put it in law, when women in their childbearing years had better benefits confirmed in the Labour Law; the Cayman Islands Marine Institute, I took a heavy criticism for it. Culture, Cayfest . . . the truth is, Mr. Speaker, after my departure from Executive Council what had not already been sabotaged by some was rendered ineffective.

Many problems in this country would have less negative effect on the community today had I been able to get proper support for training. Had I been able to put the Youth Corp in place without the back stabbing that went on after Mr. McCann and I came back from Bermuda where we observed the Bermudan Youth Corp at work . . . but I am going to propose it again and I will put it in my manifesto.

Mr. Speaker, for thirty years or more this country was devoid of meaningful community development programmes—until McKeeva Bush was put in Executive Council. And Mr. Speaker, I left the Health Ministry (which I had for one year) to work on the new Community Development Ministry, not because I could not handle health, but my priority was community development. I knew that our problems needed serious attention and only a good programme of integrated community development would help lessen the negative impacts we were and are now experiencing.

Juvenile crime at the time had reached an all time high of over 300 cases before the Juvenile Court . . . don't tell me that I didn't try—and succeed in some instances. Alas, history will condemn how I was butchered when community development taken away from me and rendered practically ineffective. But as one poet put it, "*The sunshine eye shall light the sky as 'round and 'round we run; And truth shall overcome uppermost and justice shall be done.*"

Mr. Speaker, our islands have several good social agencies for community assistance, for which I have always been thankful. What is presently happening (and I would certainly hope a new government will change this) is that our community development initiatives effectiveness is being limited due to fragmentation, duplication, inadequate resources, isolated work by the various agencies, and lack of much national support and cohesiveness.

The few community workers that we have are doing an excellent job, and are not always hindered because of government. But there are limited manpower resources and limited financial support to tackle community projects on the scale required for real effectiveness. I would have thought that they would have picked up where I left off and been serious about using this means to change the community and environment to give the youth an alternative to drugs for instance.

This morning the Minister responsible for Social Welfare (who tries to be as fair as possible) spoke about what is happening with school children after hours. I have to ask the question, Where is the meaningful continuation of after-school programmes?

Where is the big effort to see that after-school programmes are put in place and working properly with good staffing?

Mr. Speaker, that is where money should be spent. He has a right to lament the situation which the country faces because we have gone back further than we were in 1992.

Whilst some efforts are being made, meaningful community development demands agency collaboration, integration, and empowerment of communities to ensure a good core of workers to deal with the problems, and residents mobilised to support the various project initiatives. Think, Mr. Speaker, if we had a national disaster like a strong hurricane and we had a good core of workers working in each community (because they belong to the community, live there and are proud to belong there), think of the good that could be accomplished.

A new government (whoever it is) will have to move for an increased inter-agency collaboration in fieldwork and a greater sharing of resources between agencies doing common tasks; an increased involvement by community residents and community leaders in project design and implementation in, for instance, the schools, the civic centre and hurricane shelters that we want to build in our communities. We would have to have increased involvement by community residents in this kind of project design.

Mr. Speaker, for integrated community development strategies to work, Government will have to encourage and somehow entice ordinary Caymanians and others to feel that by participating in the management of their communities they can make a difference in how things are done and effect change in their local areas. That is what community development is all about.

A new government (whoever it is) will have to do what this Government will not—and that is to shift their budgetary priorities, not to build another government bureaucracy but a community centre working unit and put in place the CoDAC with proper government help to train and develop new cadre of honest men and women charged with responsibility to take hold of community affairs in the communities where they live.

That's what is needed to deal with the problems we are facing. We need to deal with our problems from a community level and that was the intention of the Community Development Ministry, the priority we had to move in that direction. All of this can only do one thing: change our community for the good to deal with the problems we face in the new millennium.

That is what it will do. Mr. Speaker, I can be criticised, but I cannot be criticised successfully for not attempting to do something about those areas I was charged with responsibility for.

I want to move to another area. I listened to the Minister of Education who was pushing a lot of rhetoric in his speech and doing the usual—blaming somebody else for their problems and their mismanagement—saying that the Opposition is responsible for the long meetings in the House.

Mr. Speaker, what the Government must accept—and they cannot blame the Opposition for it—is that they

have squandered time. That is one of their problems. They cannot continue to blame the Opposition for the problems of this country, Mr. Speaker, because some of them on [Executive] Council sat there longer than any Opposition Member. They have squandered funds, mis-managed funds.

Mr. Speaker, is the Opposition responsible for the revision in salaries which gave Ministers \$10,000 per month? I don't think so. You cannot blame the Opposition for that!

Is the Opposition responsible for the serious rise in crime? I don't think you can blame the Opposition for that.

Is the Opposition responsible for the serious rise in the cost of living? I doubt it.

Is the Opposition responsible for the disparity in the civil service? I doubt it. That was left over from one government to the next.

Is the Opposition responsible for the maldistribution of income in these islands? I doubt it.

Is the Opposition responsible for the lack of community development? I doubt it.

Is the Opposition responsible for the poor handling of tourism? I doubt it.

Is the Opposition responsible for lack of sensitivity for farmers and other manufactures and other local business people? I doubt it.

Is the Opposition responsible for the burning of Northward Prison? I doubt it.

Is the Opposition responsible for the various mess-ups in the budget having sometimes presented a budget on Friday coming back during the course of week and saying, '*no, we are changing everything?*' I doubt it. That's the Government!

Is it the Opposition who puts policies in place to make these things better? Or is it the Government members who are the managers in Executive Council?

Mr. Speaker, the Government is responsible for all of these areas, and the truth is, you cannot fool all the people all the time!

What is true, Mr. Speaker, is that the situation is so bad and they have managed some of these areas so poorly that they are trying to blame everybody else for the problems. Now, what would have been true is if the Minister of Education had said these problems are not new. They had been left over from 1972, 1976, 1980, 1984, 1988, right through until now. He would have been correct, because no one government is to be blamed here. But there is a responsibility for each one to put in place measures to arrest the deteriorating situation that each one finds, and that is where this Government is at fault.

Where this present administration is at fault . . . I tried to put certain programmes in place and they didn't support it. The documents are there to prove what I am saying.

Now, Mr. Speaker, I listened to the Minister for Education who also used a scare tactic about the House meeting so long that we are trying to be like the Eastern Caribbean. I know his politics. I know it well. He usually



tries these things on election year or the year leading up to election to scare people about any of his opposition.

Mr. Speaker, if there is any fault to lay for the long meetings it is the way Government runs its business. A good example is the way the Business Community is run and the way business is put on the Order Paper. This Parliament has been stopped for every conceivable matter that could come up—partial road openings, stop and go cut a ribbon; turning on traffic light switch, stop and go turn on the switch; funerals, memorial services . . .

Well, Mr. Speaker, I would not say anything about that because it is good to give proper respect and sometimes its family members. But what I believe Government should do is that one person from Government should go to represent Government and the Parliament continues. That is what needs to be done. We don't need to shut down the whole Parliament. If somebody in my constituency or on the Backbench (because the Backbench doesn't run the Assembly, it's the Government and it has its majority) . . . and, therefore, they carry on business. They stop and go as they please. They put what is on the Business Paper as they please. You cannot blame the Opposition for this.

Every day some strange face shows up down here for a meeting with one of them. And I know that ministers are busy, but it is their lack of being able to manage their time properly. If one of them has to go off the island to a meeting . . . the country has to go on and those things have to be done, but they are so bad off the whole House shuts down every time somebody has to go away.

Now, is that any way to run a country?

No, it is not!

And it is one of the prime reasons, Mr. Speaker, why we are here so long.

The Opposition is always here with three or two Official members and the Minister of Health.

*[Inaudible comment by the Second Elected Member for Bodden Town]*

**Mr. W. McKeeva Bush:** *[addressing the Second Elected Member for Bodden Town]* Yeah, but you are not counted in this baby. You just keep out of this sweetie.

*[Laughter]*

**Mr. W. McKeeva Bush:** And to give due credit (because she is complaining about it), the Second Elected Member from Bodden Town is here but her leaders are not so she cannot get anything done.

Who are you going to blame, Mr. Speaker? It was wrong for that Minister to blame Backbenchers the way he did last week. There is the absence or the reluctance to answer questions and that causes a problem.

Then, because that happens, to do our job properly when we have the chance (for instance in Finance Committee), we have to ask all kinds of questions to get one simple answer. Questions lay unanswered for up to a year and more.

Then Government brings business down here and before we are finished dealing with it, they change their

mind. That takes up time. That is why the House is in meeting so long.

Two have to go off to OECD Meetings and the whole House shuts down. Mr. Speaker, this is the country we are talking about. These are the various reasons why the business of this House is dragged out, and I have been saying this for years. It is in the *Hansards*. It's recorded. This is not good, and I will come to some statistics to show you how poor it is. This is not good.

These are the various reasons why the business of the House is dragged out. That, plus we are operating a system without discipline where everybody has to talk and ask questions. I think it was the Third Elected Member for George Town who raised the same matter.

In this new millennium, the year 2000, we are still here doing things the same way we did it back when we first began Parliamentary Government one hundred and something years ago, except for a few pieces of paper that have been changed. We cannot continue because there is too much disruption.

And if we don't get some sort of discipline—I am not saying that this comes solely with parties or groupings or named whatever they be, because any group or party is only good as the individual. Constitutions are only good by those who work them.

Mr. Speaker, why he blamed Backbenchers I don't know because what he could have done was to rightly lament the shortage of getting things done. Just look at 1999 alone. Do you know how much time we spent in the first meeting? Twenty-nine days. The average time [spent in the Chamber] per day was three hours.

Mr. Speaker why can't we change this? Why?

The second meeting—16 days and the average hours per day, 3 hours.

The third meeting—20 days and the average hours per day, 2.4 hours.

For the fourth meeting, the total sittings were 12 days, and the average hours per day, 2.5 hours.

Mr. Speaker, this is an indictment—an indictment on the way this country is run!

*[Member pounding on desk]*

**The Speaker:** May I inject that the House meets at the will of the House?

**Mr. W. McKeeva Bush:** Mr. Speaker, I am not blaming the Speaker, because we cannot blame the Speaker. But the House meets at the will of the Government who has a majority!

**Hon. Truman M. Bodden:** Mr. Speaker, I take a point of order.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

#### POINT OF ORDER

**Hon. Truman M. Boddén:** That is not correct. This House decides on setting its times and not the Government, sir. It's the full House in here that sets the time.

**Mr. W. McKeeva Bush:** Oh no, no, no! Don't worry about that. This House don't set no time.

**The Speaker:** It's the will of the House.

**Mr. W. McKeeva Bush:** Mr. Speaker, we run by Standing Orders, and I am not going to waste my time up here today (what little time I have to speak on this whole matter). But the fact is that no one can say otherwise. We have Standing Orders. We are supposed to meet when you call us, when we set down the times, that is, the meetings.

**The Speaker:** Please sit.

I said the House meets at the will of the House. If you read your Standing Orders it says that. Please go on to another subject.

**Mr. W. McKeeva Bush:** Mr. Speaker, I beg to differ, sir—

**The Speaker:** And I asked you to go on to another subject.

**Mr. W. McKeeva Bush:** Mr. Speaker, if you allow me—

**The Speaker:** Please sit while I stand.

I ask that you move on to another subject. I have said the Standing Orders are very plain. The will of the House carries the Standing Orders.

**Mr. W. McKeeva Bush:** Mr. Speaker, please, you are not right!

**Mr. Roy Boddén:** Mr. Speaker, if I may sir.

You, yourself circulated this this morning—the time that we spend in the Chamber. Mr. Speaker, you yourself have lamented on numerous occasions the fact that we are not making judicious use of our time. It is not a reflection on you, sir. You have done your job. But it is a reflection on the poor management of someone, and the Government has to take it.

Anyway, Mr. Speaker, I shall be giving this to the newspaper and the public shall know. Thank you, sir.

**The Speaker:** That is perfectly fine with me. But what I am trying to explain to the members of this House and to the listening public is that I have constantly asked that the House meet. But when you refuse to make a quorum, it is the will of the House that you are not making a quorum.

I sit in my office hour after hour without a quorum being here. I have come in the door and sat there and waited until there was a quorum. So, that is the will of the House!

**Mr. W. McKeeva Bush:** Mr. Speaker, this is the [debate on the] Throne Speech. And in [our debate on the] Throne Speech we have the greatest of latitude to say what is on our mind. This is the one time that we have that latitude. And no one is here blaming you. What I am saying is that we cannot blame this side of the House for not operating. That is what causes these averages here—the non-operation of the House and not having the quorum! And you just said that, Mr. Speaker.

It is the Government's duty when business is brought here to be here and to have their quorum when we are here. How many days are we supposed to come to this House—

**The Speaker:** Please let us not go on now, I do not want—

**Mr. W. McKeeva Bush:** —and then we have to meet at 10.00 a.m. and we don't start until 11.00 a.m. or 12.00 p.m. because we don't know.

We are here! I will move on, Mr. Speaker, but I think my point has been made.

**The Speaker:** I want to make it very clear: I circulated that to show you my concern.

**Mr. W. McKeeva Bush:** Well, all of us have the same concern!

**The Speaker:** But I want the blame to rest where the blame is supposed to be—the House meets when a majority of members are present, and you need to form a quorum. So, please go on to another subject now without further argument.

**Mr. W. McKeeva Bush:** Well, I would like to know who is getting the blame, Mr. Speaker. That's what I would like to know since you said you wanted the blame to lay where it should. Then whom are you blaming?

Mr. Speaker, I will move on because I think the point is made is not good. This average of hours is not good! I am here unless I have to leave for a funeral or unless I go away . . . as I did the other day on constituency business when the Minister of Education made it public that the First Elected Member for West Bay was not here.

**Mr. Roy Boddén:** True!

**Mr. W. McKeeva Bush:** Mr. Speaker, I knew that would have gotten them because of their dismal record.

There has been a recent disquiet in the civil service of this territory. They seek equality of benefits (parity they call it), and rightly so. Mr. Speaker, years ago, Caymanians were told that the big jobs in the service needed people with expertise.

So, we sent our children to get an education to be trained in specific areas. After a time of getting on-the-job experience, there is no longer the need to take a backseat in the service. I believe that they are being encouraged to move forward.

The big thing that brings this disquiet to the forefront is the matter of the Contracted Officers' Supplement (COS). Executive Council put the funds in the budget and brought the budget here. Then when the noise started, they quickly came to the Assembly and the Minister of Tourism, on behalf of the other Executive Council members, quoted the Constitution—how useless in this instance. Everybody knows that the elected Executive Council does not hire or fire.

Civil Servants understand this even more so, but elected Executive Council sets policy. And it would have been the right thing to have clearly stated their policy on this matter so that hardworking Caymanians and hardworking expatriate civil servants would understand what Executive Council wants. That's all that needs to be done. That's where they have the responsibility.

But to make a statement which is tantamount to saying *'it is not my responsibility and I don't want anything to do with it'* that is like . . .

**Mr. Roy Bodden:** Pontius Pilate.

**Mr. W. McKeeva Bush:** Yeah, Pontius Pilate.

**The Speaker:** When you have reached a convenient time, we will take the afternoon break.

**Mr. W. McKeeva Bush:** Mr. Speaker, this is a good place. Make them think about that one!

**The Speaker:** We shall suspend for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 3.51 PM

#### PROCEEDINGS RESUMED AT 4.10 PM

**The Speaker:** Proceedings are resumed. Debate continues on the Throne Speech.

The First Elected Member for West Bay continuing.

**Mr. W. McKeeva Bush:** I was saying that the statement made by the Minister of Tourism on behalf of government was like Pontius Pilate declaring "I want nothing to do with this." It did not, and cannot give civil servants—expatriate or Caymanian—any comfort in knowing where they stand in the future on COS as far as ExCo is concerned.

It would have been prudent for government to take a stand and state its position at the time because the country cannot take any more uncertainty. The civil service should know where their elected Executive Council stands with the issue.

The civil service understands who hires and fires and they are not expecting Executive Council to take away the responsibility from the Governor. What they are expecting is for their elected ExCo members to state their position.

There is nothing wrong if the elected Executive Council feels so strongly about an issue that they differ with His Excellency the Governor and they say so. That is constitutional. It would be good for the country and the

Governor to know where they stand. The elected Executive Council makes the budget. They put it together and they bring it to the Legislative Assembly and they get it voted upon, so Executive Council need not try to fool anyone on that matter.

I will move on to this area of constitutional change. The country not too long ago did a constitutional review. In that general election the people spoke in loud terms, not to say that on the ballot it was a "yes" or "no" what constitutional item should be included in the Constitution. But the issue was well debated several times in the House and certainly throughout the campaign with various persons (present members of the House and those who are not now) debated the issue on various platforms. That was just some eight years ago.

I don't know that the country can now come back and say *'Let's change the Constitution.'* I would be one who would want a definite clear call from a majority of my people before I embark on any constitutional changes. Not to say that there are not some needs for reform because that is what is needed. And it's obvious, as I said earlier in my debate, what is taking place. Ministers' hands are full, the way the House is set up. The process being used now for reform . . . I think that various members sit on various committees.

And when those reforms come, as I asked the party who was talking to members about the various reforms whether those reforms could work without constitutional changes (and when I say "party" I mean the consultants government was using) their answer to me was "Look, this country can't work these reforms unless there is some constitutional change."

Nobody elaborated. Again, I think that the public needs to know what any change will be. The public needs to be informed where they are with the reform, and the public needs to be told that for this thing to work, this thing, or that, needs to be changed in the Constitution. That would be so that the public understands where you are going with reform.

There are no two ways about it, Mr. Speaker. There needs to be reform in the systems of government, in the civil service, in the way we budget, in the way we plan. You are not going to be able to continue doing things as we used to—we can't! The people are demanding too much. And for the country to proceed in a fashion that is stable, we can't continue doing things as usual.

I don't know what those constitutional changes are. They did not elaborate. And I don't know if any member of government sat down with those consultants after they admitted that at the Marriott Hotel and decided that those changes are things that will not hamper the government in any shape or form, or the country in any shape or form. Not the government, the country. That would be ExCo's job.

If I were in Executive Council, dealing with the policies of the country where we make policy, I would certainly have said to His Excellency the Governor, right there and then, that we need to look at this. But is the government ready for reform? Are they in favour of the reforms being worked on? Are they in concert with the three main committees that are operating?

There are a lot of things happening that the majority of us on the backbench don't know about. We don't know about what is happening in those areas. So, when we talk about constitutional change and the government is in favour or the government is against, and when we are told that reform means constitutional change, there is an obligation on the government to say to the country what that reform is and what those changes in the Constitution will be.

*[Member continued speaking after he turned off his microphone]* Mr. Speaker, I am about to go on to another subject. I would like to begin in the morning on immigration. If it's okay with you . . .

**The Speaker:** I have 4.23 p.m.

**Mr. W. McKeeva Bush:** Mr. Speaker, lest I get blamed for wasting time, let me continue then for the next seven minutes.

Mr. Speaker, I see rising poverty in these islands. There is a potentially dangerous state of affairs in the contrast between great progress on the one hand applying to one sector of the community, and apparent stagnation, want, and outright poverty in other areas.

Some people say we don't have poverty. Well, that is because those people don't know what is happening in the country. They don't go on the highways and the byways. They are not talking to the single parents. They are not talking to the couple who has three children, making less than \$1600 per month.

The Second Elected Member for Bodden Town says they still have their telephone—their cell phone (she corrects me). I don't know whether this is so or not, and I don't know what that signals.

But I can tell you this: When you walk through the length and breadth of this country there are far too many people not being able to make it as good as the economy and the standard of living we talk about says they should. I don't know of any couple with three children making less than \$2000 a month who has a cell phone.

Maybe the Second Elected Member for Bodden Town knows that, and I don't know whether she counselled them in any shape or form that that was a bad thing. I don't know whether she sat down with them and did a budget and told them that they didn't need the cell phone.

The lady member is saying that she told the couple, the people (whoever it was . . . she's saying it was not a couple now) that they should get their priorities straight. That's not bad advice. Maybe that's what she should say to the government!

*[Members' laughter]*

**Mr. W. McKeeva Bush:** I didn't hear her say that in here though.

Mr. Speaker, rising poverty is evident in this country. Those of us who on a daily basis meet up with school children, or parents of school children who come to us for school uniforms, school lunches . . . something is radically wrong when that is happening on a widespread

basis. I, for one, would never take the school lunch vote out of the budget.

I increased it when I was in charge. But the fact is that an economy where we boast of the kind of growth in the financial industry, and we have to put \$200,000 to \$300,000 in our budget for school lunches says that there is rising poverty, or somebody is not doing their job. That's what it tells me.

I say that the Social Services Department gets a lot of cussing, but their hands are full. I believe that they are doing the best they can under the circumstances. When you see \$200,000 or \$300,000 for school lunches . . . we don't have to ask anybody about a cell phone. We don't have to tell anybody about priorities because we realise that there is rising poverty in the country and the question that I pose is: What is being done to alleviate that?

Tomorrow morning I want to give some statistics on what I believe is the cause of this rising poverty. Before I finish, I can tell you that it is not just Caymanians. We have an expatriate community making less than \$800 to \$900 per month per person. If you think that is not dangerous for this country, then we think other than good.

### MOMENT OF INTERRUPTION—4.30

**The Speaker:** We have reached the hour of 4.30. I will entertain a motion for the adjournment of this honourable House.

### ADJOURNMENT

**Hon. Truman M. Bodden:** In accordance with the Standing Orders that set this specific time for rising, I am happy to move the adjournment of this honourable House until 10.00 AM tomorrow.

*[Members' laughter]*

**The Speaker:** Before putting the question, it is my understanding that there will be a meeting of Finance Committee tomorrow morning at 9.00 AM.

**Hon George A. McCarthy:** At 9.00 AM Mr Speaker.

**The Speaker:** And you feel that you can finish the deliberations of that by 10.00?

**Hon. Truman M. Bodden:** Maybe we should say until completion of the Finance Committee. I am sorry.

**The Speaker:** Fine. That's more appropriate.

The question is that this honourable House do now adjourn until Finance Committee has completed its deliberations tomorrow, hopefully by about 10.00 AM.

I shall now put the question. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.33 THE HOUSE STOOD ADJOURNED UNTIL  
THE FINANCE COMMITTEE COMPLETES ITS DELIB-  
ERATIONS.**



**EDITED  
FRIDAY  
10 MARCH 2000  
12.25 PM**

*(Time spent in the Chamber: 2.09)*

*[Prayers read by the First Elected Member for George Town]*

**The Speaker:** Proceedings are resumed.

Item No. 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have received apologies for late attendance from the Honourable Second Official Member responsible for the Portfolio of Legal Administration, and apologies for absence from the Fourth Elected Member for West Bay who is not well.

Moving on to Item No. 3, Government Business, continuation of debate on the Throne Speech delivered by His Excellency Mr. Peter J Smith, CBE, Governor of the Cayman Islands, on Friday, 18 February 2000. Debate continuing with the First Elected Member for West Bay.

**GOVERNMENT BUSINESS**

**DEBATE ON THE THRONE SPEECH DELIVERED BY  
HIS EXCELLENCY MR. PETER J SMITH, CBE,  
GOVERNOR OF THE CAYMAN ISLANDS,  
ON FRIDAY, 18 FEBRUARY 2000**

*(Continuation of debate thereon)*

**Mr. W. McKeeva Bush:** Yesterday afternoon when we took the adjournment for the day, I had spoken on several areas. One was the criticism by government that the opposition was not offering alternatives. I had said that the several initiatives started during the course of my period in Executive Council were initiatives to better the community from various standpoints.

The matter of sports, youth development, the elderly and veterans, housing, training, women's affairs, social services, community development, student scholarships, pensions, labour benefits, the Marine Institute, culture, Cayfest. I can say that most of these were put on a firm foundation, and that the people of this country benefited from my work on Executive Council.

I had started to talk about the rising poverty in the country. Let no one fool you that that is not so. We have rising poverty. It is a potentially dangerous state of affairs with a vast contrast between great progress applying to one section of the community over the past 25 years,

and the apparent stagnation and outright poverty of the other.

All of this is borne out by the statistics showing what it costs to live here, and what kind of income Caymanians and expatriates alike are making. But for various other reasons, we all know that our people are finding it more difficult to live, especially those with two to four children and single parents.

Some people cannot pay their loans, their mortgage or rent at times. Parents cannot pay the new fees for school. When challenged with that statement, the Minister of Education quickly said that the new school fees could be waived. It is not that the fees can be waived, it is the fact that people are so bad off that they cannot pay in a country that the government likes to say is so well off!

We have far too many poor people, single parents who can't buy uniforms. It seems we are now building a country of poor people, yet there is this cry to stop development in some instances in a country where the social decay is more evident each day. Why? And we heard some of the reasons why there is social decay in this morning's meeting of Finance Committee.

Why is this so? Because the powers that be are afraid to act on the things it would take to solve some of these problems. Poverty is growing. There is a maldistribution of income in the islands. The powers that be are afraid to act on those things, but they sit and criticise the Opposition asking where are our alternatives when they are charged constitutionally with the responsibility to do something about it!

Poverty is growing. There is a maldistribution of income in these islands. According to the Economics and Statistics Office, the average working Caymanian earns \$2,600 per month. However, according to the same statistics, approximately 6,900 people—or 60% of all working Caymanians—make less than \$2,500 per month. That is, in the range of \$833 per month (at the low end), to those on the \$2,500 per month level.

Compare this with the fact that somewhere around 2,300—or 20% of all working Caymanians—make more than \$3,300 per month. It is clear from those figures that there is an unequal distribution of income in these islands. We find also that there are 809 Caymanians making less than \$833 per month. On the expatriate side, there are 2,321 making less than \$833 per month.

Statistics tell us that it takes a monthly household expenditure of \$1,870 per working person to live. That is the latest statistics. Approximately 9,000 persons—or 41% of working people in these islands—make less than \$1,700 per month. There are some 14,000 making between \$2,500 per month and \$1,600 per month.

According to the Economics and Statistics Office 5,300—or 51% of expatriates working here—make less than the average monthly household expenditure per working person. In other words, 51% of expatriates working here make less than what it takes the average person to survive in these islands.

According to the same statistics, 31%, or 3,351 Caymanians . . .

Mr. Speaker, I don't have a quorum!

**The Speaker:** If we don't get a quorum within two minutes, I will have to suspend.

[Pause]

**The Speaker:** We now have a quorum, please continue.

**Mr. W. McKeever Bush:** I was saying that according to the Economics and Statistics Office 5,300—or 51% of expatriates working here—make less than the average monthly expenditure per working person. In other words, 51% of expatriates working here make less than what it takes the average person to survive in these islands.

According to the same statistics, 31% or 3,550 Caymanians out of 11,525 make less than it takes the average household for expenditure per working person. In other words, 31% of the Caymanians make less than what it takes the average person to survive in these islands.

We are creating a poverty stricken country. And most alarmingly we are creating an expatriate community that is poverty stricken in the majority. It is hard to think that in the year 2000 these kinds of statistics exist. This has to be rectified.

This 3% raise, or 5% raise, in salaries per year in the private sector cannot continue. People have to live. And we have a high cost of living in this country. And what do we have in some instances in the hotel industry? Some people cannot get a proper raise. For five years, they get like 25 cents, ten cents on the hour, five years apart. That is why I keep saying that reform is needed in almost every sphere of business in these islands. We cannot continue doing business, as we have been over the past years because our people are becoming poorer and poorer.

There is a harsh reality of growing poverty in an expanded economy such as we have had over the last 25 to 30 years. The policy over the years where government taxed local businesses large and small directly affects and increases the cost of living to those at the end of the scale that cannot afford to pay any more. As I said, we cannot continue that policy.

For example, an offshore banking license is \$18,000 per year. And a local business permit for a managing director is \$6,000. The local business will have to recoup his \$6,000 from within these islands, so he gets it from the public. And whatever he is selling or making is sold for more. The public pays that higher price. The offshore bank doesn't hit the public here; their funds are made elsewhere.

Of course, we have to be careful not to go overboard because of the competition of other jurisdictions. But I believe this is as good a yardstick as any to show how and why government can help stop this unequal yoke in income distribution in this country.

It is true that high income in certain sectors produces savings, which in turn become investments, which in turn provide employment. That is what the economists say. When government provides incentives, or goes easy on one sector of the economy, it should be the expectation that it would be filtered down to people at the very low end to bring them up so they can live properly and save something for their future. But not in this country, where we have that many Caymanians making less than \$833 per month. They can't live properly, much less save anything for their children's future.

But, our experience over the past 30 years is that the disproportionate sharing of income which exists is so large, because so much goes to a certain sector that they in turn can become investors of some kind. They can do well. Those of our poor people who have the lesser income and are not investors of any kind never accumulate sufficient savings, if any at all, to rise out of that strata of the economy. So the hard fact is that we have a one-sided prosperity whether we want to agree to it or not.

I am not saying that our people are not better off today than they were in the 1960s or the 1940s. But the fact is that because of the high cost of living in this country our people who are making \$833 or \$1,600 with two or three children, this is a one-sided prosperity. Those in that sector, our poor people, will not rise out of that strata of the economy.

I can stop now, if you want Mr. Speaker.

**The Speaker:** We can go on until 1.00.

**Mr. W. McKeever Bush:** Are you sure, Mr. Speaker?

Mr. Speaker, everyone is realising the situation with yourself, and I think that you should take a break and go to your doctor's appointment.

**The Speaker:** We shall suspend proceedings, then, until 2.15.

#### PROCEEDINGS SUSPENDED AT 12.50 PM

#### PROCEEDINGS RESUMED AT 2.35 PM

[Mrs. Edna M. Moyle, JP, Deputy Speaker, in the Chair]

**The Deputy Speaker:** Please be seated.

**Mr. W. McKeever Bush:** Thank you, Madam Speaker. It is good to see you in the Chair.

When we took the adjournment for lunch, I was talking about the rising poverty and the statistics showing the rising poverty. I said that there were far too many people not making enough money to live in the kind of economy in these islands with the high cost of living.



Having said all of that, I want to make it absolutely clear that I am not saying that we should take from the rich and give to the poor.

What I am saying is that much thought, plans, and workable ideas must be given as to how to bring those of our people out of that strata, that mess they are getting into. Let no one believe that we are not going to have to take some hard decisions that will probably be unpopular. But, to turn around this growing imbalance of income and allow those people a chance of existing, hard decisions will have to be made. To do this we will need caring and concerned leadership.

Income must be brought in line with the high cost of living in these islands. We have a situation where for periods of five years at a time people working in the hotels get no more than a ten cent or twenty-five cent raise per hour. We can see why we have these kinds of statistics. There is no reason under the sun why we should have hotels paying \$3.50 or \$4.50 per hour. If they can't do better than that, if they can't bring a better quality tourist than that to upgrade our tourism product, then we shouldn't have them.

And it shows that there is a problem in the management and the policy because if the work had been done before and all the statistics done, because I am sure all the business plans must be done when they go to build one of these hotels, then it must be that the ministry should be able to say at that time *'If you can't pay more than \$3.50 we can't give you any license.'* They must be able to show what their business plan is, what they are going to make, what their projections are. I find that you cannot lay blame anywhere else but on that management policy.

I have no axes to grind. All I want to see done is that the people I serve—especially the man on the street who cannot pull himself out of this stratum he is existing in—are taken better care of. That is not happening. That is why the minimum wage is needed. I know the problem the minister is having. She can't say it because she is bound by collective responsibility. I know why that committee has not met since it was instituted in 1998. I am not going to blame the minister because I had the same problems.

We have people on Executive Council who cater to that sector of business and do not want to put any pressure on them as far as minimum wages or any kind of labour benefits. And to give credit where credit is due to the Fourth Elected Member for George Town, if he hadn't put some pressure on we would not have gotten certain cases to court, have not had certain payments and hourly gratuities paid. I give credit where credit is due—not to say that I agree with him on everything. I don't.

We cannot allow our tourism product to grow on the basis that we are bringing people in that people cannot make the money to pay our people properly. We are creating poverty. And nobody should ask about my position on development because I am pro development, and I will talk about that a little later on. But the truth is, that when you have people taking home less than \$200 per

week it can only do one thing: It can only create the crime that people were lamenting this morning.

We talk about our prison being filled up. And some people like to say it's the expatriates. Well, look at the figures. Look at what some of them are making. Look at what some Caymanians are making and you understand why we have this problem. We have some serious problems, and it is fundamental because of what people believe. It is not that it cannot be changed. But it is a fundamental thinking of theirs that you cannot touch certain businesses or else they are going to run.

Yes, we have to be careful because of the competitive marketplace in today's world, Cayman probably is in a precarious situation. Nevertheless, that should not stop us from putting in place those measures that bring our people out of that stratum. We are creating a nation of poverty. I would hope that a new government would see to it that a minimum wage is put into place in the New Year.

It is unfortunate that we have this rising poverty. Unfortunately, some people believe that the way to get this turned around is to stop development. How mistaken they are. They believe too that all initiatives for development should be harassed unless they or their friends are part and parcel of it. That's a game I see being played here. We cannot build a country on selfishness. If that attitude is to prevail, the favoured few would live and the poor will get poorer. That's what will happen.

The figures I have given show a growing poverty. Stop development and we will be nothing but a poverty nation, with only those who have already made it able to live and have their being. That's what will happen. The poor will get poorer. That's all that will happen. The figures I have given of a serious mal-distribution of income tell me—and should say to all of us in this honourable House—that we cannot continue to import people who are not paid enough to live.

Think of the problems being created because people brought in here are paid \$800 per month, if that much. And Caymanians are paid \$833 per month. Think of four or six people living in one room. Think of the problems our own people, and the outsiders, can cause and those problems we are already facing because people are not paid properly. No one should be imported here to do construction for \$3 or \$2 per hour. Not in today's economy! Not with today's cost of living! And that is happening because the good Caymanian has to compete with that kind of salary. He cannot go out and quote on a piece of business when somebody else is bidding on it and they have workers who they are paying \$2 per hour. I see it. It is happening.

You know some contractors are not paying sufficient salary. What is this creating?

And then we quarrel about the number of work permits we have. It is a fact that there are far too many people who have permits that have them and don't need them because they can walk around and get work here, there and everywhere. So that has to be streamlined somehow.

Now, you might say that that person is a Caymanian too operating a little business. So how do you fine-tune it? What I am saying is that you can't allow them to pay \$2, \$3, \$4 per hour. A nation of poverty is being created, and look at what is happening to us. We are all suffering because of it.

Are we so fool to believe that by stopping development we can stop that kind of selfishness? Are we to believe that if we run away good developers that crime will cease? The only ones to suffer most if developers are harassed or if development is stopped are those who are making less than the \$2,500, those making less than the \$1,600, those making less than the \$833 per month. They are the people who will be hurt. Development breathes life—without it we wither up and die.

Somehow, there is a belief that we always will be as well off as we are. We hear people saying that we can stop because we have enough. How wrong they are. And the worse thing that could be done is to allow that kind of notion to be spread and made as gospel truth. What is needed is good ideas, and better management of whatever development comes to these islands. Manage our national assets better. And we only have a few.

What are those national assets? The Caymanian people by far are still the best national asset we have. We have peace. We still have tranquillity. It is still relatively safe, although crime is running high. Those are national assets that have to be managed better. But how do we manage them? Do we manage them by continuing in the trend that we are? No. What is going to happen is more and more crime.

Let's not continue to blame foreigners. We can lay some blame there, but we have to look at the salary levels. We have to wonder where and how people are making it. Those of us who walk the highways and byways of this country know that they are not making it good because they come to us for the handouts. They can't say that all of these people are lazy. And they can't say they are extravagant, and not prioritising. They can't say that because I am studious enough to check out when somebody comes, and I more or less know who they are. And if after 16 years I don't know my people, then I am in bad shape!

All of us who are representatives know how many single parents come to us because they cannot make it in these Cayman Islands today. Why is there growing poverty here when we are supposedly doing so well, and have so much to get from? Shouldn't this buoyancy of the economy provide immense opportunities for the development of Caymanian entrepreneurship? Sure it should. So to speak, we should be in the prime of life, rather than Caymanian businesses closing down. In this New Millennium . . . and it is precisely at this time that small and medium size enterprises should blossom forth and be able to take advantage of a growing economy. We are still at about 5%. They should blossom forth to take advantage of new niches opening up as our major sector expands and grows. But is this happening? This is what I would like to see happening.

It is now in the New Millennium that the right environment of economic, political and social stability, our responsible fiscal framework, essential public services and encouragement of good investment and enterprise should be taking place. Is it here? If it is, there are only a few to benefit. Then, when these things are in place—facilities to assist and encourage prudent financial preparation and planning so that our people—our entrepreneurs can be able to seize the opportunities from good development and live a better and more financially secure life.

For as long as the Third Elected Member for Bodden Town has been in this House, he has been talking about the Gramean Bank. I have been talking about the Singaporean experience and places like that, which are progressive. I think it is now time to set up a proper development bank. And the Third Elected Member for Bodden Town made reference to it in his speech. It could be the catalyst for advancing the development of small and medium size businesses in these islands.

This is in part so that very low rates of financing can be given to our people to start up small businesses. All countries in the region . . .

Well, Madam Speaker, do I have a quorum?

**The Deputy Speaker:** It has been brought to my attention that there is not a quorum in the Chamber. If there is no quorum within three minutes, I will have to suspend proceedings.

[pause]

**Mr. W. McKeeva Bush:** Where's Truman? I want him to listen to this!

**The Deputy Speaker:** Honourable First Elected Member for West Bay there is now a quorum in the Chamber, you may proceed with your debate.

**Mr. W. McKeeva Bush:** Thank you, Madam Speaker.

All countries in the region subscribe to the Caribbean Development Bank, true. But it is also true that all progressive countries have development banks. We have seen several small hotels here fail, and a few barely survive through the blood, sweat, and tears of the owners. I don't know if Caribbean Development Bank is the best place to finance these kinds of small businesses. I believe that a proper development bank could help this country. It could be the catalyst for financing of small businesses.

One of the most important aspects of starting up a small business is proper project preparation and technical advice in the financial area. As chairman of the AIDB, this was one of the shortcomings I found in projects, as past chairman, that is. The experience in the past with such things as boats for commercial fishing and small hotels was the absence of sound technical advice, and thus not enough capital lent to ensure the business success in the early days for start-up and expansion.

The basket of currency loans from the Caribbean Development Bank and the local high interest rates have been a hindrance to more successful Caymanian entrepreneurship. That is what we have to rectify. That is why we need to put in place a development bank of our own. The basket of currencies and the local high interest rates have been a hindrance to more successful Caymanian entrepreneurship.

There is no use in having the kind of growth we have experienced in the last 25 or 30 years only to find our people worse off. And that is the position today in many areas. Some have done exceedingly well.

The byword in recent days has been "growth management." I said that since 1980. It is no doubt that we cannot subscribe to too large a population. We know that would do us no good. But we have to be careful in talking about development that we don't destroy what has given us the standard of living we have enjoyed. Several things are drawn to my attention when we start talking about growth management.

One is, Who is going to fine tune it? If you listen to some candidates . . . because this is the time we start to hear about growth management from outside because we talked about long-term, short-term, and medium-term planning in here, but we are getting that now on the outside from the candidates. But if you listen to some candidates, they will do nothing. They seem to have all the answers. But they can't give a viable alternative. Some of them talk about "good development," but they themselves build apartments with no exits, no backdoors. Yet they have the audacity to criticise me!

As a representative of the people, I am not in charge of development, not even when I was in Executive Council. But what I do know is that when the economic situation has taken a down turn and people are out of work, as has happened before in these islands, then people start hustling and bustling and pressuring you to get the economy going. People need to live, simple.

Over the last several years, many Caymanians invested their lives in building apartments. What happened to them? They are talking about keeping it as it is. When you start to badmouth development and you have no plan as to how you will ensure that our people will not be hurt, the only thing to happen is that those Caymanians who are even now not making sufficient money to meet the cost of living here now, will be the ones to suffer.

So, I ring a warning bell that the people of these islands had better pay close attention to who is talking. As I said, we have candidates running around the place talking much. Some of them already have it made yet they have no plan as to how our people will survive economically. If they succeed and they run everybody who is thinking of investing in this country away, who is going to pay the bills? Who will pay their mortgage? Who will pay their car loan? Who will pay their school fees? Who will pay their grocery bills? Who?

And when the economy is down, people are not working, and businesses small and large have to close down, they would have caused a nightmare of poverty

worse than we now have. Let no one believe that it can't be worse than what it is today. It can be Madam Speaker. Let us be careful. It is bad that there are those who are pushing this view of slow growth now, advancing the position that slower growth means we can live on what we now have. They are sadly mistaken.

All that will happen is that we will all be much worse off. And then you will see real crime in this country. And then you will have instability and much more social collapse. And the main manifestation of social alienation is crime, violent crime with more poverty.

Some of them believe that all you have to do is cuss the present representative. Give fancy-sounding words like "growth management" and say "I am for Caymanians" and that that entitles them to be managers and run the country get votes and get in here. Since when have some of them been for Cayman? It can't be the ones who when they headed departments in big business beat up on Caymanians and wouldn't lift a straw to help them. It can't be them. It can't be those who sat down for four years and did nothing to help the community, but who are now ready, willing and able to cuss McKeever and everybody else in this House.

Well, let's put it this way: I know what it is to be poor. I know what it is to sleep on a floor bed. I know what it is to have no shoes. I know what it is to have one [pair of] pants. I know what it is to have two shirts to my name. I have done some things to help the poor in this country, and I intend to continue to do the things necessary to help the poor and I will join with those who are willing to help the poor. And, we can bring the poor people to a better situation in these islands.

If I am given the assistance, I am not going to do anything to make the poor people poorer. If you get in here . . . some of them who are cussing us now, that is what will happen because of their ideas. They say dog ate your supper, well let me say this, dog not going to eat your supper because there will be no supper for the dog to eat!

While they are in an election flurry in this country, and say they want to represent the people, they don't care about the kind of Cayman their ideas will build. They don't care about the poor. I am not going to join anyone who doesn't have an idea of where we have come from and where we are going, except to say they are "for Caymanians" and "let's stop development so we can get more." They don't have one shred of an idea what they are talking about.

Some of them had their opportunity before too. What did they do? They came promising they were going to do this for the young people. Why didn't they do it when they had the chance? This brings me straight to immigration.

Every election year since I have been here this immigration issue has been a debating tool. And it's sad because some people want it that way. It behoves all of us to bear in mind where these islands have come from, where we are and where we, the people, desire to go in the future. Immigration means people, and we cannot play with people's lives. We must come to a stage in

these islands where everyone living here, everyone brought in to do a service, must know what their future is from the day they agree to come here and we agree to allow them to come in.

In that sense, we have people living here for 25 years—someone said 42 years—not knowing what can or cannot happen to them. I have Cuban family here who can work but can't get a passport to travel. A nation cannot long withstand that kind of policy and remain stable. We cannot have this kind of situation and remain stable. The Cayman Islands today is the fifth largest financial centre in the world. And I am not one to run down my country. We still have a good country, and we want to keep it that way.

I don't get much credit for it, but while I was in Executive Council a lot of good laws were passed to enhance this country as a financial centre. We have passed laws to enhance the Proceeds of Criminal Conduct legislation and other legislation. And it wasn't easy. And they run around saying '*McKeever can't do this and that, but others can.*' Well, let me just say that I was part of the team that went to London to talk about it. Let me just say that it was more than once that I was part of that kind of team too. I have my strengths. I am no financial wizard. I can't make and put together laws. But I know what is good and sound for this country. I am not going to run down the country so that others can jump on the bandwagon to come here. No!

It's not that development is bad, what we need are good policies in place to fine-tune and manage our growth more effectively so that all Caymanians have a fair chance of getting something out of it, and ensure that our children have a good future. What we all need to understand is that the world is a whole lot different today than it was 30-odd years ago when our development took off. Thirty years ago we were unique in our liberal attitude seeking to attract foreign investment. Thirty years ago there were no banking alternatives in the Turks and Caicos Islands. Thirty years ago there were no safe offshore opportunities in the British Virgin Islands. Thirty years ago Cuba was not poised to be a powerhouse in the Caribbean tourism market. So, thirty years ago the Cayman Islands stood as the prime option for investment and growth in the Caribbean basin. We all are better off.

However, this is changing. The competitive environment surrounding us has changed tremendously. Today both developed and developing countries are going all out to attract high value business and projects. They are asking people to come in. If we drive ours away what is going to happen to us? Do we want to put ourselves in a position where in 15 years from today we have to prostitute ourselves to bring in development? No! We want to keep the atmosphere where people can come.

It is a sad fact that a lot of the benefits that would have ensured Caymanians a greater share of the pie were not put in place in those early days. We just simply said "come." Training, which is needed to ensure the ability to continue as a top quality financial centre, where that a majority of our people could over a period of years

be in the top positions, those benefits were not offered in sufficient quantity to allow this to happen in the beginning.

In any immigration policy, as far as I am concerned, the requirement to offer training to able and willing Caymanians to ensure proper succession planning and upward mobility within a mutually agreed timeframe must be part and parcel of that policy. It must be a key ingredient for training to take place.

What is this rubbish about forced training? We need to force some people to train. If we leave the situation as is, then what will happen? All these many years we are not up to par. Far from it. We just let everybody have his way. We are afraid to touch this one, afraid to say that. Well, what happened? We don't have the training on the scale needed. So don't say to me that the Manpower Development Plan was forced training and the Chamber didn't want it, as the Minister of Education said in Finance Committee.

I see some ugly things arising here that hitherto was not . . . and it is caused because people feel that they do not have the benefits out of what is happening in the country. Any immigration policy has to be balanced, has to be fair, but it must be fair all around and our people must share in those benefits. People from the outside must know where they are.

In connection with that, government made an announcement on 3 March. I had to think that this is a significant policy. Where in the world . . . and why was this not put in the Throne Speech that was just delivered? the state of the nation where policies and ideas flow from, where your legislative programme is more or less tabled by the Governor's Address. Why?

Let me say that it is good to have businesses put forward their business plans. That is what the Manpower Development Plan called "labour budgets." But according to the Minister of Education, it was forced training and it couldn't go through. I can't say too much on this because what the statement is all about has not all sunk in as yet. It came on the eve of a meeting that I had in the West Bay Town Hall where we had a forum of qualified young Caymanians, although I heard that being berated here this morning. Ideas come from those kinds of forums. I don't understand why the government didn't put this policy through their Throne Speech.

There are a few things that I don't know if I can agree with. Certainly, in this day and age I don't know that not having personal references is such a good idea. What are they saying about the \$200? Say a very small gardening company has four or five people on permits. That's \$1,000. That doesn't mean much to a big law firm. So, is this going to help the small businesses? I don't know.

Government's immigration policy is harem-scarem. I understand that long-term Jamaicans are being told they must catch the next flight home. I don't have the correspondence, but I understand that this is what is being said. Again, I want to ring a warning bell because in 1986 or 1987, a similar policy was put in place and those people who were here for a long time . . . many of them were

sent back. You know the maid you have. You know the mechanic you have. You know your gardener. You don't know what you are going to get. I said that what was done in 1986, 1987, did not do this country any good. I hope that our country is not having irreparable damage done. No announcement was made, but I understand it is happening.

It is a pity that for so long, the 16 years I have been here and before, our immigration policy comes to the forefront every election year. There are people who wish to use it in that sense. Caymanian on a whole want to see a policy that is workable and fair to everybody. We are a country depending upon international business. International business demands that they have sufficient quantity of and quality staff to operate their business or else it will move to other jurisdictions. So a fair balance needs to be struck.

Whether this select committee is going to meet in earnest, or whether the government is going to sit down and do nothing about the situation is something that I still don't know. But I can tell you that it is not good for government after they sit in select committee to make blatant statements trying to absolve themselves from the decisions of that committee after government signed the report. That is what I saw with the statement made by government when they said that government does this, but the committee did that. They shouldn't try to ball around their fingers the members of this House. Be men and stand up and say *'We, the select committee, put that out for thoughts and ideas.'*

What I think the Minister of Education should have said was that the committee didn't meet often. That's what should have been done, rather than making a statement saying *'We are the government, but that is the committee.'* Nonsense! They are part and parcel of that committee. Why try to run and hide? Because it's an election year? That is why I say there are some people who don't want the immigration policies straightened out. They want to use it for whatever purpose they can use it in an election year.

I move to another subject. I called for some career guidance unit to be set up back in 1998. I see that the minister is moving in that direction. I am appreciative of that because it is needed. Children need to know from an early age and be guided in a direction before they reach college age and don't know and it hurts their whole four years in college. So I am pleased that that is happening.

There has been some criticism of the education system. I certainly believe that there has been some laxity. But can we blame teachers? Can we blame administrators? Or do we blame policy? I believe that the education policy in this country suffered during the year and one half that the minister and his permanent secretary took on the Vision 2008. I saw that happening when the Governor announced it. I saw some difficulties there. It is proved that that is where some problems never got tended to and only grew and manifested themselves.

I want to congratulate our teachers who have a hard job. But they do a good job. Dealing with children, as those of us who are parents know, is not easy.

It's not Johnny, it's you!

*[Members' laughter]*

**Mr. W. McKeeva Bush:** I am talking to the Minister of Education who knows when I am going on to a good subject. He wants me to beat up on my colleague—

**The Deputy Speaker:** Honourable Member, and Honourable Minister, I would rather that there is no cross talk across the floor of the House.

**Mr. W. McKeeva Bush:** Good! Tell him about it!

It is not easy dealing with children. Madam Speaker, you are a parent and you know what I am talking about. If we as leaders criticise our teachers and show them no respect or no appreciation, what can we expect from our children in school?

What we have to do is ensure that we pay them competitive salaries and give them good working conditions instead of voting for big pay increases for members of this House. Just think of it. In previous generations, when, for instance, the honourable Chief Secretary was a teacher, and when I was going to school, women in particular (both men and women) had few good career opportunities. So, the teaching profession was a relatively attractive occupation. But I believe that if you look at the trends in salaries and benefits, by the 1980s salaries for teachers had declined both in absolute terms and relative to other occupations and opportunities that had increased.

We can encourage our teachers and administrators who have to deal with teachers and children. It is unwholesome to criticise them when they have to deal with so much discipline in the schools. High school, the middle school, and other primary schools, have a difficult job. I can congratulate Mrs. McLaughlin and Miss Adora for the task they have. We know what we faced. We know what we see on a daily basis on the streets. We know what is happening.

Can you imagine that in this day and age we have children beating up on teachers in school? This is happening. So they have a difficult job.

I can say that I am totally satisfied with the teachers in my primary school in West Bay. It is a joy for me to visit there and find the kind of atmosphere that exists. Mrs. Shirley Kidd is a good principal. We have had some good teachers and principals in that school. She has a good rapport with her staff. I think it is a blessing that we can send our children to a place where they are so well cared for where we have primary schools with teachers like Mrs. Mendosa-Hydes. These people care a lot about the situation surrounding them; they care a lot about the children. We have good teachers.

Like I said, there's been a laxity in the policy for the 18 months or so that the minister and his permanent secretary have been involved in Vision 2008.

What I often look at when it comes to schools and teachers—and I find a shame and a disgrace—is that we have an immigration policy that does not allow some of

our teachers the satisfaction of knowing without a shadow of a doubt that they have security of tenure here. They are here for 25 or 28 years not having that security. Yet, they perform so well dealing on a daily basis seeing to our children's welfare, preparing them for the future. I say a big thank you to them for all of their hard work.

And, Madam Speaker, not having any security of tenure here, not having any pension, not knowing if they are going to have pensions because of the local contracts . . . and no COS!

**Mr. John D. Jefferson, Jr.:** That's right!

**Mr. Roy Bodden:** The minister can't dodge that either!

**Mr. W. McKeever Bush:** So, Madam Speaker, we cannot allow an immigration policy . . . and I am imploring the government to get together because I am not going to blame any chairman because he was studious in what he was doing to either say this immigration situation gets some level of satisfaction because when we come to things like teachers and doctors we have to be thankful. How many of our own are going into that profession?

And it's true. We gave the Governor status, we gave the Attorney General status, the previous ones, and yet we have people for 28 years who care for our children on a daily basis, walk them through school, teach them the reading and the writing, and they, Madam Speaker, do not know what their security is. Some are reaching the age of retirement, mind you.

**Mr. Roy Bodden:** Give them a little long service medal.

**Mr. W. McKeever Bush:** Yeah, and even that they messed up!

*[Members' laughter]*

**The Deputy Speaker:** Would this be a convenient time to take the afternoon break?

**Mr. W. McKeever Bush:** Yes, Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended for 15 minutes.

**PROCEEDINGS SUSPENDED AT 3.42 PM**

**PROCEEDINGS RESUMED AT 4.00 PM**

**The Deputy Speaker:** Please be seated. Proceedings are resumed. The First Elected Member for West Bay continuing his debate on the Throne Speech.

**Mr. W. McKeever Bush:** Thank you.

I was dealing with the immigration policy particularly in regard to teachers. I closed by saying that we cannot expect to have teachers here for 28 years and not make it lawful for them to be one of us. They have homes, children born here, and yet no security of tenure, no COS

and no pension. Yet, teachers are some of the most important people in our islands, dealing with our children from day to day.

This is not new. As I said, they have been here for 28 years. But it is time now that we take it in hand and deal with it. A nation cannot long withstand that kind of policy. We become unstable in more ways than one.

I want to deal with a matter raised by the Minister of Education. He talked about the opposition not offering alternatives to the problems, or assisting the government. The opposition, in Westminster style of government, can only offer what we believe are workable solutions. Either we catch a minister, or whoever the administrators are, and we talk to them on a one-to-one basis and give them an idea of something that can be done, or if we feel strong enough we bring it by way of a private member's motion. In our context here, that is how we have operated. We have brought a majority of things through private member's motions to get legislative sanction.

It is very political for him to say that members here never offered anything of any good quality for an alternative. When we look at the various private member's motions, it tells what we have tried to do as an opposition backbench. It tells what we believe can be done. The only problem is that while the government has voted for these motions what have they done? No matter what kind of alternative you give, or what problem you try to rectify, and you bring it here and everybody votes on it, if government and its machinery, its departments, does not take it in hand and deal with it, then it can't help the country. So after it leaves this House, it is the government to deal with the matter.

I will look [at Private Members' Motions] from 1998 onwards.

- ◆ **No. 1/98—Long Service or Meritorious Awards—Customs and Immigration Officers**
- ◆ **No. 2/98—Change of Dredging Policies** (By the Third Elected Member for Bodden Town and the First Elected Member for George Town.)
- ◆ **No. 4/98—Establishment of a Road Fund** (a good idea, by the Fourth Elected Member for George Town.)
- ◆ **No. 8/98—Increase of Financial Assistance to the Elderly, Handicapped and Other Persons in Need** (by myself.)
- ◆ **No. 9/98—Minimum Wage** (by myself.)
- ◆ **No. 10/98—Assistance to Local Farmers in the Importation of Shotgun Shells** (the Elected Member for North Side.)
- ◆ **No. 11/98—Appointment of a Select Committee to take input from the Public on the Review of Dependent Territories** (Moved by myself and the First Elected Member for George Town.)
- ◆ **No. 12/98—Freedom of Information/Official Information Act** (the Third Elected Member for Bodden Town, the First Elected Member for George Town.)
- ◆ **No. 13/98—Problems of Public Education in the Cayman Islands** (the First Elected Member for George Town, the Third Elected Member for Bodden Town.)
- ◆ **No. 16/98—Amendment to the Marine Conservation Law** (five things that need to be done, moved by the First Elected Member for George Town and me.)

- ◆ **No. 18/98—Moratorium on Liquor Licence for West Bay District** (moved by myself and seconded by the Third Elected Member for West Bay.)
- ◆ **No. 19/98—Loud Music on Public Beaches** (moved by myself, seconded by the Elected Member for North Side.)
- ◆ **No. 20/98—Award of Government Contracts** (moved by the Third Elected Member for West Bay and myself.)
- ◆ **No. 21/98—Appointment of a Complaints Commissioner** (This was rejected but we moved it all the same. Moved by the Third Elected Member for Bodden Town, seconded by the First Elected Member for George Town.)
- ◆ **No. 22/98—Amendment to the Development and Planning Regulations** (Assisting Caymanians again for guest houses and apartments. Moved by the First Elected Member for George Town, seconded by the Third Elected Member for Bodden Town. Still hasn't been done but this is something that is good for the public.)
- ◆ **No. 23/98—Referendum Law** (The First Elected Member for George Town, the Third Elected Member for Bodden Town.)
- ◆ **No. 4/2000—Investigation into the Practice of Health Insurance Providers** (Moved by myself and the Third Elected Member for Bodden Town.)
- ◆ **No. 5/2000—Concerns With The Occurrences At Northward Prison** (Moved by the Third Elected Member for Bodden Town and me.)
- ◆ **No. 6/2000—Investigation into the Pedro St James Construction Project Account** (Moved by the First Elected Member for George Town and the Third Elected Member for Bodden Town.)
- ◆ **No. 1/99—After School programme** (Moved by the Second Elected Member for Bodden Town and me.)
- ◆ **No. 2/99—Training Initiative** (Moved by me and seconded by the Third Elected Member for West Bay.)
- ◆ **No. 3/99—Housing Initiative Affordable Housing**—and Madam Speaker, we dealt with that issue for three days, and on that day alone I myself (I think all totalled there were 20-odd suggestions in one day on how to help housing) . . . moved by myself and seconded by the Third Elected Member for West Bay.
- ◆ **No. 4/99—Civic centre for George Town/Hurricane Centre** (moved by the Third Elected Member for George Town, seconded by me.)
- ◆ **No. 5/99—Amendment to the Immigration Law RE: Domestic Problems** (Moved by myself, seconded by the Elected Member for North Side.)
- ◆ **No. 6/99—Multidisciplinary Environmental Impact Study.** Can't say that's not good. And it passed too. (Moved by the Third Elected Member for George Town, seconded by the First Elected Member for George Town.)
- ◆ **No. 7/99—Engineering investigation into the causes and possible effects of flooding in the Savannah are** (Moved by the Third Elected Member for Bodden Town, seconded by the First Elected Member for George Town.)
- ◆ **No. 10/99—Renaming of Harquail Bypass to "Esterley Tibbetts Highway"** (Moved by the Third Elected Member for Bodden Town and me.) It passed, but I don't see any signs up yet.
- ◆ **No. 11/99—Referendum Law** (I don't know if I mentioned that one before.)
- ◆ **No. 12/99—Cuban Nationals with Caymanian Connections.** Trying to help our people there. (Moved by the Third Member for West Bay and seconded by me.)
- ◆ **No. 13/99—Assistance for Local Potable Water Producers** (Moved by the the Third Elected Member for Bodden Town, seconded by me.)
- ◆ **No. 14/99—Motion to Restrict the Practice of Tattoo Artists and Other Persons from having School Age Children as their Customers** (Moved by the Third Elected Member for Bodden Town and the Elected Member for North Side.)
- ◆ **No. 15/99—Enquiry into Local Companies Control Licence for ESSO Standard Oil SA Ltd.** (Moved by me and the Third Elected Member for Bodden Town.)
- ◆ **No. 16/99—Caribbean Utilities Company Ltd's Rate Increase** (Moved by the Third Elected Member for West Bay and seconded by me.)
- ◆ **No. 17/99—Motion to Establish a Family Unit within the Police Department** (Moved by the Elected Member for North Side and seconded by me.)
- ◆ **No. 18/99—Consideration for the Protection and Assistance of the Physically Challenged** (Moved by the Second and Third Elected Members for Bodden Town.)
- ◆ **No. 19/99—Electronic Mail Service** (Moved by the Fourth Elected Member for George Town, seconded by the Third Elected Member for Bodden Town.)
- ◆ **No. 20/99—The Development of a Strategic Approach to Crime and Recidivism** (Moved by The Fourth Elected Member for George Town and the Third Elected Member for Bodden Town.)
- ◆ **No. 23/99—Vesting of Crown Lands** (the First Elected Member for George Town , the First Elected Member for West Bay.)
- ◆ **No. 24/99—Review of Measures Imposed Under the Finance Law 1998** (the First Elected Member for George Town and the Third Elected Member for Bodden Town.)
- ◆ **No. 26/99—Request for Government to Consider the Purchase of Properties** for cemeteries and this Legislative Assembly (Moved by me and seconded by the Third Elected Member for Bodden Town.)
- ◆ **No. 27/99—Introduction of an Electronic Transactions Law** (Moved by the Third Elected Member for George Town, seconded by the First Elected Member for George Town.)
- ◆ **No. 29/99—Government Action Needed in Taxis, Watersports and Tour Operators** (Moved by me and seconded by the Elected Member for North Side.)
- ◆ **No. 30/99—Government Assistance for Local Farming Community** (Moved by the Third Elected Member for West Bay, seconded by the First Elected Member for West Bay.)
- ◆ **No. 31/99—Removal of Import Duty from Imported Foods,** the motion that did not get finished. But I believe they agreed on it (Moved by the Fourth Elected Member for George Town, seconded by the Third Elected Member for West Bay.)
- ◆ [No. 16/2000]—**Equal Rights for illegitimate children and parents of illegitimate children** (Moved by the Third Elected Member for Bodden Town, seconded by the Elected Member for North Side.

So, Madam Speaker, all of these motions impacting and dealing with practically every area of life in this country . . . and the government says we didn't try to do anything. Well, if they thought that we were no good and such poor representatives, why in the world didn't they reject those motions? No, they passed every one of them. Every single one of them was given a safe passage in this House.

The problem is that the opposition cannot do anything about the situation after that. Government needs to take action on those things. Every sphere of life we have tried to do something positive to assist from this side.

Government doesn't do anything about it except to try to blame us for their problems. But, it's an election year so the Minister of Education will try to show us in a bad light—but not successfully!

Politics will be politics. I don't expect government to say any good about me. But my record of accomplishments stands. Some of the surest foundations were set in the Ministry of Community Development. While I didn't agree with everything the new minister did, at least on most of those initiatives she kept the same policy. In sports she carried on the same policy and I am concerned that things like Cricket did not get its facilities and I believe there are some funds in the budget again this year. I don't know if it's sufficient. But I do hope that they get on with the facilities.

It's a growing programme. We have a good coach. A lot of people are interested. There's well over 400 children involved in the sport and it's growing. But sports, like many other things, is at a crossroads and needs some re-thinking through the various organisations.

I am glad that we started the youth policy. The minister has completed it. I would hope that a new government would take that policy and put it into proper implementation. Not everything can be done at one time, but if anyone believes that the social needs of this country can afford to take a back seat—and I keep saying this—then they are sadly mistaken. They only have to see what is presently happening with us.

The increase in juvenile crime: Between 1989 and 1992 it was up to over 300 and we brought it down in 1996 to the 100 mark or 89 cases. But we drastically brought it down because we put emphasis on those things that impact children, and we had a good atmosphere all around trying to do something about the situation.

I believe that the minister didn't have a tremendous . . . although they all say over there how much they help each other, I don't believe that that is so. I think that they are saying that because they have to say it because they are still in Executive Council, and when election time comes, they are going to have to be saying something different because they are going to have to say what the facts were. They are bound by collective responsibility and I know that they had their difficulties and not enough support in certain areas. And I know that ministry never had the kind of support it should have had because it was always the bastard child in government.

When the New Year comes in, God willing, the youth policy . . . a new government is going to have to sit down and decide on those things that can make better direction for our young people. There is far too much crime. And we lament the increase in the police, but the police force is stretched to its limit. That's a fact. We cannot say otherwise. While we do not like the way certain things have been done, there is so much going on that they are stretched.

I cannot expect if something is happening in Northwest Point and the car is in Botabano for them to cure it immediately. I am hoping that the people of this country understand that. We have to do a lot of policing our-

selves, in more ways than one. No, we can't deal with the criminals. Law enforcement has to deal with them. To say that there has not been laxity in the areas that need to be dealt with, as members mentioned this morning in Finance Committee, it is a fact. I asked for a task force in 1998 and the Minister of Education was making fun of that again this morning. And nothing was done.

At that time I asked that education, the ministry, the department, the schools, the police, the churches, the social clubs, get together and form a task force to deal with the problem that was arising. Not to say that the problems did not exist in the schools before. It existed. But not on the magnitude we are finding, and it was spreading out into the community because school children, especially from high school, were going to various parties just to wait out one another to have a fight. Not with fists, but with weapons. It started at school and stretched out that they couldn't even go to a party because of those kinds of things.

So, we asked for a task force. Nothing has happened. We have a problem on our hands and I have moved from district to district, but the task force in George Town, the one in West Bay and the one in Bodden Town are working. If they can make recommendations and send them to the Governor to help the situation, because this is what the Governor and other officials need to know—what parents know, what people who deal with it on a daily basis find out.

I don't think that my time was wasted. And I don't think that those persons who came to the various meetings wasted their time. I believe it was all good for the country.

Crime has to be treated as crime. We have to have humane prisons. We have to treat them and see that when they go in there they come out better persons than when they went in, through the various programmes. That is government's job to do. But where crime has been committed, you must pay the price. Where you become soft, then the country is in danger. Where you ease up, and make people believe that anything and everything can be done and you will only get a slap on your wrist, there is a growing lack of discipline in this country that needs to be dealt with seriously.

If we seem to be weak, then we will be taken advantage of. We need to be firm in dealing with the issues, especially when we have to deal with young people who have their own ideas. They are not stupid. They are not dunces. They have their own ideas about how they want to see things go. So, we cannot ease up. Prisons will have to be prisons. We will have to be humane—feed them, school them as much as possible in there.

We spent some \$40-odd million on prisons in the last 12 years. What are we doing wrong? Something is not right when we find the need to constantly fill the prison.

Madam Speaker, I don't know about you, but I believe that I have done enough talking for today. I am going to ask you to adjourn until Monday morning at 10.00 AM.



**The Deputy Speaker:** Before I can put the question on the adjournment I will have to ask the Serjeant-at-Arms to bring in sufficient members to form a quorum.

[pause]

**Mr. W. McKeeva Bush:** Madam Speaker, my watch is very fast and I have twenty minutes to five. It seems there are still ten minutes left.

**The Deputy Speaker:** It's 4.20 PM, by the Speaker's clock. I was going to ask if it was the wish of the House that we adjourn at this time. But if you are prepared to continue.

**Mr. W. McKeeva Bush:** I might as well.

**The Deputy Speaker:** Thank you.

**Mr. W. McKeeva Bush:** I don't want to impose my will on the House, but as I said, my watch is fast. I am sorry about that.

I am concerned too about our national security. It is obvious that with all the good attempts of our police force utilising the one ocean-going vessel we have . . . in today's world where our islands are open to so much illegal traffic by air or by sea, I would have thought that by now a more serious attempt would have been made to curb the illegal activity of importation of things like guns.

We hear various reports saying that there are guns everywhere on the streets. As I said, it gives me cause to think hard about national security. We have government now removing the requirements for personal references for work permits. And they say that could be good for businesses. I don't know. But I would hope that if they are going to stick to that policy that a serious consideration would be that the police force in conjunction with immigration would enhance the present fingerprinting capabilities by instituting a more thorough system.

There will be no more personal reference and there is belief that police records can be tampered with or bought in certain places. So I would hope that this suggestion would be looked at. I know that the Chief Secretary moved out of his seat when I was talking, but I hope he heard the suggestion. If I need to I will tell him about it again.

We don't want to have a country where we live in fear of moving about because we don't know who is who. And we have to have some feeling that somebody knows who is coming into the country and about who is coming into the country, what their makeup is. I would believe that a law firm hiring an attorney from overseas would want to have a professional reference. I would think that a bank hiring a manager would want a personal reference for that manager. If I am wrong, then somebody tell me so.

Is the removal for the need of personal references going to attract a different kind of element than we would want? Is the removal of that requirement going to endanger us any more than we are? Yes, it probably was

some paper work for each application, I think three references were required. So three sheets of paper less. Maybe it doesn't mean a whole lot to some people, but I believe that in a country where our police force is stretched to the limit and where we have national security limited, that immigration should have the means to know who is who, and together with the police have that knowledge, something that can move quickly.

With today's technology, that is possible. I am not sure how they do it, but I would hope that it would be a reality for a more thorough fingerprinting programme.

#### **MOMENT OF INTERRUPTION—4.30 PM**

**The Deputy Speaker:** Honourable member, if you are going on to a new subject, according to the clock on this desk it's one minute before the hour of 4.30. I would entertain a motion for the adjournment of this House.

The Honourable Minister for Tourism, Commerce, Transport and Works.

#### **ADJOURNMENT**

**Hon. Thomas C. Jefferson:** Madam Speaker, I have the pleasure of moving the adjournment of this Honourable House until 10.00 AM tomorrow.

**The Deputy Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.37 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 13 MARCH 2000.**



**EDITED  
MONDAY  
13 MARCH 2000  
12.25 PM**

*(Time spent in Chamber: 2.23)*

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

*[Prayers read by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]*

**The Deputy Speaker:** Proceedings are resumed.

First item on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**COMMONWEALTH MESSAGE**

**The Deputy Speaker:** Today being Commonwealth Day, I now read into the records of this Legislative Assembly a message for Commonwealth Day 2000, from Her Majesty the Queen, Head of the Commonwealth.

**"It is highly appropriate that the theme of Commonwealth Day at the start of the new millennium should be 'The Communications Challenge.' For much of the millennium just ended, the challenge was to relay information as speedily and accurately as possible.**

**"What once took weeks is now instantaneous, but the advance in technology brings a new challenge of how to use rapid communication responsibly and for the common good.**

**"We have to strive to ensure that the advantages of modern communication systems are available to all and are used to bring us all closer together, not to create fresh divisions. And we need to remember that exciting though the new ways of communicating undoubtedly are, what matters most is what we say to each other.**

**"The Commonwealth is an organisation so diverse and widespread that it has always depended on good communications which are helped, of course, by having a common language.**

**"Recent advances in communication technology are particularly helpful in fostering the non-governmental networks which help to make the commonwealth so unique. The exchange of information and sharing of experiences between representatives of civil society and the different countries form an important part of the Commonwealth activities at the start of the 21<sup>st</sup> Century. Both in these networks and in our co-operation at government level our shared values and traditions provide a foundation for using the new technology to our common advantage.**

**The challenge for the century just started will be to find ways to use ever faster communications to bring greater harmony and understanding both within each of our societies and between them, and thereby to strengthen the Commonwealth. Elizabeth R. 13 March, 2000"**

**LETTER FROM THE HONOURABLE SPEAKER**

**The Deputy Speaker:** I have received a letter from the honourable Speaker, which I will read. It is addressed to me as Deputy Speaker:

**"Honourable Members, Ministers and Members of the Cayman Islands Legislative Assembly: I wish to express my sincere gratitude to you for the assistance rendered to me on Friday, 10<sup>th</sup> March, when I became suddenly ill. Particularly, I wish to thank the Serjeant who was there at a hand's reach, the Clerk and the Hon Minister for Health who arranged that I be seen immediately at the Hospital; Drs. Cummings and Robertson and their staff who upon my arrival there, rendered the necessary medical attention.**

**"I am most grateful to you all and am pleased to say that I am recuperating satisfactorily under the very professional, efficient and capable hands here at the hospital.**

**"Once again I thank each and every one for your concerns. May God bless you all.**

**"Yours sincerely [signed] Mabry S. Kirkconnell, MBE, JP, Speaker."**

**APOLOGIES**

**The Deputy Speaker:** I have received apologies from the honourable Third Official Member, who will be arriving later.

**Mr. Roy Bodden:** Madam Speaker.

**The Deputy Speaker:** The Third Elected Member for Bodden Town.

**STATEMENT BY HONOURABLE MEMBER**

**CAYMANIAN COMPASS EDITORIAL  
RE: LENGTH OF TIME THAT HONOURABLE  
MEMBERS SPENT IN THE CHAMBER**

**Mr. Roy Bodden:** I crave the indulgence of the Chair to raise an issue that I think needs some explanation and clarification. It has to do with the headline and editorial in

today's newspaper, and emanates from a circular that was handed out by the Honourable Speaker concerning the length of time that Honourable Members spend in the Chamber.

I am concerned because the circular, the article, and the editorial in newspaper make no distinction between those who arrive here early on a regular basis, and those who have been tardy. I find it unfortunate and regrettable that in this case, the innocent are lumped with the guilty.

In the interest of the fraternity of honourable members, I do not care to make any distinction as to those who are early and those who are regularly late. Suffice it to say, however, that this being an election year, I am concerned that detractors may see fit to use this information in a way that casts aspersions and casts those of us sitting now in a bad light.

I would caution the public's interpretation of this to mean that honourable members are irresponsible, while at the same time I have to acknowledge that some of the blame lies clearly with us—even those of us who are here early on a regular basis. I want to say that I am not disputing the account of the newspaper, but I caution those who would come to hasty conclusions to think that all honourable members are irresponsible.

At the same time, I am asking the Government—through the Honourable Leader—to see that we keep to the hours that we are supposed to keep to more regularly so that we do not continue to put ourselves in this unflattering position. Thank you ma'am.

**The Deputy Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Boddien:** The honourable member just referred to me getting and keeping people in here. Madam Speaker, that clearly is the duty of the Serjeant-at-Arms to call members. I would not like that to go through to the public that I am the keeper of time. It is set down in the Standing Orders that the Legislative Assembly begins at 10:00 AM, and there is fault on both sides of the House. I would not like the public to believe that it is only one side of the House that is tardy at times.

**The Deputy Speaker:** Honourable Minister, I did not gather from him that it was your responsibility to have members in here. I think he was more or less referring to the Ministers of Executive Council.

Shall we proceed to the next item, Government Business—

**Dr. Frank McField:** Madam Speaker—

**The Deputy Speaker:** Honourable member, I don't think I will let this continue into a debate. What has been said by both sides has been noted. We will now continue with Government Business, continuation of the Throne Speech, delivered by His Excellency.

The First Elected Member for West Bay, continuing.

## GOVERNMENT BUSINESS

### DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. PETER J SMITH, CBE, GOVERNOR OF THE CAYMAN ISLANDS, ON FRIDAY, 18 FEBRUARY 2000

*(Continuation of debate thereon)*

**Mr. W. McKeeva Bush:** Thank you, Madam Speaker. I can hear you are in good form this morning. I would not want it to be left that the Serjeant-at-Arms in this honourable House—

**The Deputy Speaker:** Honourable member, I would rather that you continue with your debate.

**Mr. W. McKeeva Bush:** No, Madam Speaker, I think it behoves us to say that the Serjeant-at-Arms does his job and calls members to this Chamber. If they don't come, well, that is not his fault. He can't speak for himself, but I think it should not be left where people believe that he is not doing his job. He is very studious, an honourable gentleman.

**The Deputy Speaker:** Honourable member, if I may, and I am not going to continue this debate. It was an oversight on my part not to correct that point because the Serjeant-at-Arms of this Parliament does a tremendous job. Would you now please continue with your debate on the Throne Speech?

**Mr. W. McKeeva Bush:** I now turn to the matter of youth. It has often been said that we have good youth. I have said that often, and I have often given statistics. But government has the responsibility to do something about the few bad ones. When we say there are only a few bad young people, that is correct. But government has a responsibility to do something about the few bad ones before they influence the good ones.

There is a lot of emphasis put on the responsibility of parents for children's bad behaviour. If you bear children, . . . then we are all responsible for our children. I agree that parents must be responsible. But if we Americanise our society, what else are we going to get?

America is the greatest nation on earth, so they say. But we don't want to adopt everything she does. I don't scoff at anything done to try to improve the lot of young people in our islands. But if we mimic everything out of America, or someplace else, then we will be like America.

I just saw some correspondence about Big Bird and the Cookie Monster. This is clean fun, of course. Sesame Street was always a good children's show. But if we concentrate on things American, rather than things Caymanian, we will be like America. We lament the bad news television. Our children need to be taught to identify the things Caymanian, the good things we have. And I will just name a few: Dance Unlimited has a good young people's dance group. Very, very talented. Miss

Jackie Balls' Dance School can match any related school in America with taste, quality, and professionalism.

I also recently attended, with other members here, some of the primary school sports. Our children are good. They are excellent. And it's a joy when we see some of our children the way they perform, the talent they have. Cayfest is Caymanian at all times. All these things are good, clean things that people and children can enjoy, and they can be put on stamps. That's what I am trying to say.

We should be showcasing our children. How can Caymanian culture grow and be identified with if all we are going to teach them is something from somewhere else? Nothing more powerful determines a child's behaviour than his internal compass, his beliefs, his sense of right and wrong. Of course, it starts in the home. But the country has a wider obligation in the shaping of their elastic minds. If someone said that he has been taught and guided to believe that drugs, promiscuity and assaulting other things are wrong things to do, this will contribute to his own well being and to the well being of others. If this lesson is multiplied 20,000 times, we will have a greater and broader well being, fewer personal catastrophes, less social violence and fewer waster and lost lives.

The character of a society is determined by how well it transmits true and time-honoured values from generation to generation. We have all lamented (as the Minister of Social Services said the other day) the gathering of young people by Anderson Square Building. It seems that this is building into something that is not good. We have asked where the parents are. This is not new. This has been a practice for several years now. Where are the parents?

I know the minister meant well, as he always does. But I have to ask, for as long as those children have been meeting there, where is the government? Do you know where the parents are at 2.30, 3.30 or 5.00 in the afternoon? Parents are working. That is where 99.99% of them are. Where the community fails to do something, or the parents fail, the government has a responsibility to act to find ways and means to channel all of this energy that we see by the Anderson Square Building into positive action.

I think the same thing. That is why I channelled funds into the television programme "Spotlight." Say what you will about television, it is here to stay. People are watching it whether it is good news or bad news, technology will only get better, it's not going to get worse. I thought it appropriate and beneficial at that time for the youth of this country, to start and fund that "Spotlight," what I thought was an age appropriate educational programme. I think that "Spotlight" was a good programme. Where is it now?

The radio programme that we hear from the young people, Faith Gealy and others, I congratulate them on a wonderful job. There is nothing wrong with what they are doing. We need more of that. But it doesn't take the place of television. It can't compete. And we are fooling ourselves if we believe so. The radio programme is ex-

cellent, but I would suggest that that programme is on at the wrong time. I would hope that a prime time for this age group could be found on Radio Cayman.

Also, perhaps we need to look at whether the right curricula is taught in school, that can teach our children the values we want, teach them about the dangers of promiscuity, and the dangers of being sexually active too early. I firmly believe that we must have a strategy that makes a difference in the lives of our children and teenagers that can compensate for the well-known deficiencies in family functioning.

Let no one believe that we don't have a large number of single parent families in the teenage bracket. But regardless of family type, what I believe is most significant in the lives of children is a growing inequality of prospects related to their family circumstances. Reducing out of wedlock childbearing, teenage pregnancy, educating parents and potential parents, enforcing financial responsibilities and making sure that government policies are consistent with our goal of parental responsibility I believe are useful steps that we must ensure. But these will only work if there is a more general commitment to the task. Is government up to par? I say not enough.

Once again, I make the call about paying attention to the Sunrise Centre. They need space so that they can put on needed programmes they must be brought up to par with their salaries in accordance with others in their work. Some time ago I identified a building with space, which the Third Elected Member for Bodden Town also picked up in his debate. They are still there in a building, which the fire department says is bad. This is not good enough and I hope that the good advice we have given will be heeded.

It seems that Cayman Airways is going to be a campaign issue. I have been here 16 years, and it has not changed. Here's the present fundamental problem: Cayman Airways has planes that Caymanians don't particularly like. More so, we have equipment that the pilots and other staff members don't like. We have management that some of the staff now says must go.

These are matters that need to be addressed urgently to build morale. I believe that a meeting needs to be held with all the staff so that they can understand what is happening from ministerial and board level. I have asked for that meeting. We have not had it. Ten years from now it will be the same all over, no matter who is in the seat.

The country (and by that I mean the government) has to decide whether these islands are going to stay in the airline business or not. If we are, then we are going to have to put more money into it on an annual basis, which means different planes. I am on record as saying that before as well. Or, they are going to have to get rid of it; it's one or the other. It will be a campaign issue. Those candidates who want to make political mileage and those who are prepared to help them, well then let them go ahead. I have stood by the staff, particularly the pilots, every year. At all times that's the side I fall on, the side of the working people, not just in Cayman Airways, but in this country. If I fall, that's where I fall.

But every election year (and this year is no exception) there's a flurry where everything happens. This will not change things. So decide whether the present equipment stops, or much more money is given to put Cayman Airways on a more profitable and publicly acceptable footing. That is what is needed.

Right now I know that morale is down. There are problems which did not start today, but that does not stop us from taking the bull by the horns and doing something about it. As for the candidates, I will say that debate is good, but knowledge gives better sensible debate. They should bear that in mind.

I want to turn to the matter of tourism. We have been told, for as long as I can remember, that tourism is one of the twin pillars of our economy. I have asked questions of the Minister of Tourism, some of them dating back to May 1999, and the Minister refused to answer these in open sittings because he wanted to avoid supplementary questions. But a mere few days after the 1999 session was closed, and he never had to answer them on the floor of this House, he could give me the answers in writing. A mere few days after some year or so. And even when he did provide something in writing, he did not answer the question, he bluffed, and he danced and he avoided.

I want answers, Madam Speaker! I asked him if the DOT overseas office spending conforms with Financial and Stores Regulations. His answer is to tell me that each office has a copy of the regulations. Ha, ha, ha! What kind of answer is that? Plenty of people have copies of the Bible too, but they don't adhere to it!

I want to know if the Minister—and I am glad that he just walked in and is here— . . . what I want to know, Mr. Minister, is if you can really clearly and categorically say that all the spending by the overseas DOT—which is ultimately his responsibility—conforms to the country's financial regulations. It is my understanding that the minister gave sweeping authority for large items of expenditure to Mr. Phil Sanfilipo [?] the manager in North America. Expenditures that should have been the responsibility of the director who is the lawful controlling officer.

Mr. Sanfilipo should report to the director, not the minister. Then, to top it all off, when Treasury made him know they couldn't take a non-civil servant's signature, the minister had to reverse his decision and give the responsibility back to the director. If the director is in charge, the director is in charge. Why the change? Is it because the US staff is outside the control of Financial and Stores Regulations so they can hide inappropriate spending?

It is the minister's job to make sure there was no inappropriate spending. It is obvious that he tolerated it. I am looking forward to the Auditor General's report, if they don't cut that up too much.

I believe that the minister has played too much politics with his ministry in these last couple of months. And it is an election year, so he is playing politics. It's natural. That happens with most elected people.

*[inaudible comment]*

**Mr. W. McKeever Bush:** Not as much as you're going to do!

I understand that some 31 individuals have been invited to New York for the Caribbean Tourism State Ball at the end of this month. That's a lot of money. I fully understand the minister taking four or five guests, but more than 30 people? If that is true, for what? Is that good use of public money? No! That is politics! It is old time politics!

He has been the minister for eight years and he rightly attends every year on behalf of the Cayman Islands and every year he carries a few guests. But what is different this year? This is an election year. And it is obvious that he is doing so to get votes. I understand it is important for other people to see what the Caribbean is doing, and I have gone there once myself, so I understand the value. But why 30 people this year?

What I want to show is that there is a dangerous trend in how the minister has used public funds for nothing but glorious political and self-serving reasons. I do not have the statistics on hand, but his nephew, the Third Elected Member for West Bay, gave them the other day. This is how the transportation licenses are being approved, and to whom they are being given.

It is obvious that he is awarding licenses to get votes. I would be the first to give West Bayers as many as possible. I would be the first—

**The Deputy Speaker:** Honourable member, if I may. Unless there is proof that these licenses are being given for the minister to solicit votes, please do not continue in that vein.

**Mr. W. McKeever Bush:** Unless you or anyone else has a different interpretation, that is my opinion. And I think opinions are perfectly constitutional. And, Madam Speaker, when you have one person having 12 buses in one district, and other people applying and not getting licenses, then what is the reason?

As I was going on to say, I would be the first to give West Bayers as many as possible, but what we cannot do is hurt non-constituents, other Caymanians, and deprive them of making a living and hurting their children. That's what we can't do. And unless someone can show me that giving one person—who is constantly out there on the road cussing me and the next politician in favour of that minister— . . . then what other conclusion can I come to?

**The Deputy Speaker:** If you said it was your opinion, I could understand. Would you continue please?

**Mr. W. McKeever Bush:** Thank you, Madam Speaker. It is my opinion. That's what I have said.

I am sick of giving him chances to answer, and we get answers in the way we have gotten answers—

**Hon. Truman M. Boddin:** On a point of order.

### POINT OF ORDER

**The Deputy Speaker:** May I hear your point of order?

**Hon. Truman M. Bodden:** If the honourable member is going to express opinion, it has to be an opinion that is substantiated in some way by the fact that he is alleging. He is confusing between opinion and fact. If you hold an opinion, there has to be reasonable grounds for doing so.

**The Deputy Speaker:** Thank you, honourable minister. I think I made it clear that the member speaking . . . and I am not a lawyer, and I do not sit in this Chair pretending to be a lawyer. But I feel that if it is his opinion, what can I say? Or it is his belief. So, I don't see a point of order.

**Mr. W. McKeeva Bush:** Madam Speaker, it is time for the people of the Cayman Islands to be shown where their \$23 million is being spent. Through bad ministerial management, nepotism, and inappropriate use of funds we are left struggling.

Our people in the tourism industry are suffering and fighting for every dollar. The Tourism Management Policy expired in 1999, and as of yet we don't have an approved policy document. Basically tourism has \$23 million—no plan, unless that's the same plan he is continuing on—and no clear indication of who the money is benefiting. It is time this nonsense stopped!

**Hon. Thomas C. Jefferson:** Madam Speaker, on a point of order.

### POINT OF ORDER

*(Imputing improper motive)*

**The Deputy Speaker:** May I hear your point of order Honourable Minister for Tourism, Commerce, Transport and Works?

**Hon. Thomas C. Jefferson:** I believe the member is waxing a little bit too hard and basically imputing improper motive to me about nepotism.

**The Deputy Speaker:** First Elected Member for West Bay, I would appreciate if you would move from that point because I don't like the words "inappropriate spending" unless there are facts to back up the inappropriate spending.

**Mr. W. McKeeva Bush:** Well, as I said, we shall await the report of the Auditor General, and I trust that the Public Accounts Committee will act on it quickly. I hope that that will be the case, and before September we will get the report of the Auditor General with the report of the Public Accounts Committee. You will find proof.

But I will say that when we find Caymanians going there who can't get jobs in the United States, and they have every excuse in the world, but the people over there are given every chance, and family members—and

I didn't say his, so I don't know where anyone gets off saying it was him. I didn't say it was him. But I believe as much as they talked about Sanguinity [?] and this one and the next one over there, the same situation obtains today.

At this time I want to call for an in-depth, independent audit of the Department of Tourism on behalf of all the stakeholders of the Cayman Islands Tourism. I think all of us on this backbench agree, and should demand that this independent review answer the following questions: Who is the tourism for? When will an updated tourism policy be brought to this House to ensure it addresses all of the issues of these islands? And what has to change in order to ensure good management fiscal responsibility and sustainable tourism for this and future generations? I would like a report of that laid on the Table of this House no later than September before the House is prorogued.

Much has been said and is being said about general elections. The Governor has set 8 November for the general elections, God willing. I have served this country and the people of West Bay for 16 years. I have served to the best of my ability. I have given them honest and fair representation, and I believe I have succeeded in those areas I mentioned in my debate on the Throne Speech, helping people to obtain a better quality of life. I have decided to offer myself to the people of West Bay for four more years.

Times are changing. I will be inviting our people to share a vision of the new Cayman Islands they want where fairness rules, where human dignity, economic opportunity and social progress are the right of all where no one is left behind; where in diversity we live in harmony; where all of our people can benefit from what our country offers; where all who are able to work find dignity and reward in secure jobs, better benefits, or in their own business; where every aspiring entrepreneur has the opportunity to own and operate a business on a level playing field; and where government serves all of the people, where government operates in the sunshine of public scrutiny.

We should be a good democracy and a place of equality, safety, peace and prosperity for all. I will be running on a slogan of "Better Balance—Better Prosperity" with a team to be announced at our first meeting, Tuesday 21 March, God willing, at Northwest Point.

I have some symbols too. The bell for freedom, and the "V" for victory. Thank you, Madam Speaker.

**The Deputy Speaker:** Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause) The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Thank you Madam Speaker. I am going to spend a little time trying to be constructive and I will get to answering a number of questions raised.

First, I want to begin by offering congratulations to His Excellency the Governor for his Throne Speech. May

I also offer my thanks to the Heavenly Father for His love, mercy and protection of the people of the Cayman Islands. We are indeed a blessed country. We need to praise and glorify His Holy Name as we recall numerous blessings bestowed on each of us, and on the country as a whole.

In my view, Cayman has the formula for love and friendliness. It is our belief in the Hold Word commanding us to love one another that we are our brother's keeper, that we should honour our father and our mother, that we should live an honest, moral and god fearing life, if we are to live pleasing to him. Those who are spirit filled, meaning filled with the Holy Spirit, shall see the Kingdom of Heaven. It is this Christian background that has caused all of us here in Cayman to live neighbourly, to be friendly, to respect each other's property, to be honest, to care for the less fortunate, and to look out for those who cannot help themselves.

Now it appears in some circles that we are looking for some other cure for our ills. Although we know that He is All Powerful, All Wise, One who has promised never to leave us nor forsake us, and One who answers our prayers, which empowers every one of us to carry out his or her responsibilities to the people of these blessed islands, I ask for His blessings as I make my contribution to the Throne Speech.

I wish to also offer thanks to our forefathers, the churches, justices of the peace, vestrymen, members of the Legislative Assembly, former and current civil servants, the veterans and members of the Home Guard, former seamen and community leaders for their dedication to building a country which became the fifth largest banking centre in the world.

It is appropriate too to thank those foreign persons who invested their money, their skills, their international connections to help us achieve that envious image and rank of the fifth largest financial centre in the world. Those who came among us with an attitude of assisting the country and obviously themselves as well were willing to employ Caymanians and assist them to rise to significant levels in the financial industry and commerce. They were willing to provide training in those early years to Caymanians who excelled in accounting and auditing, banking and law, to name some.

That approach is still being practised by a number of good citizens of this country who have come to these islands to help us. But we would like more of those members of the private sector to commit to this same approach that has worked significantly in this country. When I think of the amount of training that was done in the private sector, today it is so evident when you walk the streets of George Town, when you move into social circles, when you go into the churches you find people who are partners in law firms, partners in significant chartered accounting firms.

We can just drive down Shedden Road and we can easily find partners who have risen through the ranks, who were trained by those organisations to rise to a level where each and every one of us wants to be. And we must pay credit to Caymanians for making the sacrifice,

for giving up the night life and the almighty dollar in those early days, going off to school to become professionals in this country who, when they walk and talk are respected by just about every member of this community.

This provides the social harmony in this country. The social harmony in this country was assisted by that fair and reasonable approach that Caymanians must be assisted to rise in the promotional ranks. Regrettably, today, although government is providing more and more scholarships to assist Caymanians, we are not achieving the same results over all. By that I mean Caymanians are not receiving the same helpful attitude from some of those who come and work at senior levels here.

It's not a subject that we should lambaste. It's a subject we should not sweep under the carpet, it's a subject we should bring to the forefront and speak about. And in our speaking about it, we also need to speak fairly about it. It doesn't matter where it is, whether it's in the private sector or public service.

When we listen to our people we hear a number of issues that concern them. So these are issues that governments (in the plural) have wrestled with for quite some time. We must also remember that the world around us is changing, but equally important, the Cayman Islands and the community around us is also changing.

My personal view is that we must commit ourselves as leaders to visit and revisit these issues, such as succession planning, and I mean that in the global sense of the Cayman Islands. Succession planning in the private sector and in the public sector; the issue of COS and pension; the issue of housing; the issue of conditions of service within government and in the private sector; the issue of senior citizens and how they are looked after; the youth problems, crime, gratuities, and that's not an exhaustive list, but it's some of the issues that I believe we need to . . . and there used to be a song that was very popular in the 1970s. The title was "Promises, Promises, Promises." We don't want that.

When we make a promise we want that promise to be committed by the person who uttered the words. Realising that one man can't do everything—one man can't run the government, one man can't get all the benefits for the public, does not have all the answers—but at least one man can start talking about it and try to convince others if need be to address the issue.

Let me repeat myself. Succession planning must be something that we deal with not only in the government service, but also in the private sector organisations. May I admit at this point that I do not profess to have all the answers. But what is required is that we commit ourselves to finding a fair and reasonable answer not only in the government service, but equally in the private sector organisations. This answer should be found as quickly as possible, and in the best interest of the people now and in the long term.

Caymanians must be given every opportunity to rise the highest possible level in any department of government, any bank, any trust company, any insurance company, any law firm, any accounting firm, any hotel, any



condominium, any restaurant, any supermarket, any duty free store, or any other company or organisation operating in the Cayman Islands. I believe that succession planning must look at each Caymanian in each department of government or private sector organisation and examine whether or not they are ready to be promoted to a higher level within the department or company. And provide training if found to be genuinely necessary. Not to decide that this person needs training to slip them aside for a couple of years while you bring in your buddy. That's not what I am talking about.

As a former civil servant, I would offer some additional specific comments on the civil service. I will begin by saying in respect to His Excellency's comments on succession planning in the civil service and recognising that the service is solely His Excellency's responsibility, we nonetheless hope that any succession planning will be cognisant of the needs of the entire service and address such issues as the accelerated promotion of these Caymanian officers who are already professionally qualified with several years' experience and proven ability.

There are many such officers spread over several departments and ministries that should be promoted lest we will not have the benefit of their long term commitment to the civil service. As history tells us, they will look to the private sector for better opportunities. We will lose those high flyers, those young people who possess not only the academic skill, but have applied that skill in a practical sense for a number of years and have proven their ability to lead at middle management level. They have proved that characteristic so ably that I believe many of them are well suited for other higher positions.

Secondly, the encouragement and unequivocal support of those officers who wish to qualify in specialised areas such as medical, teaching, legal and accounting. As I understand it, there are officers who wish to qualify in specialised areas but cannot afford to, or feel there is no support from the service, especially in terms of being allowed time off or leave of absence to study. This must be addressed if succession planning is to have any credibility in the service.

Thirdly, the placement of returning graduates in jobs that are relevant to their qualification. I must say that as a former civil servant I groan myself when it happens. Too often, returning graduates are placed in jobs that have absolutely no relevance to their area of study. This practice only serves to de-motivate some of our bright young Caymanian graduates and is in direct conflict with the spirit of succession planning.

I also feel that if the graduate who has sacrificed and found himself breaking open the piggy bank from time to time before the cheque arrives to make ends meet, if that graduate cannot be placed in a department where his or her specialisation and interest rests, then I sincerely believe that he or she should be released to the private sector with the bond being to the Cayman Islands, as opposed to the government. Let me say that we know that is possible.

**The Deputy Speaker:** Is this a convenient time to take the morning break?

**Hon. Thomas C. Jefferson:** Yes Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 11.19 AM

#### PROCEEDINGS RESUMED AT 11.38 AM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Debate continues on the Throne Speech. The Honourable Minister for Tourism, Commerce, Transport and Works, continuing.

**Hon. Thomas C. Jefferson:** Thank you Madam Speaker.

I believe that there is a need for mandating succession planning for all departments. It is important to recognise that departments with Caymanians at the helm must also have a plan as these Caymanian HODs will, at some point in time, be promoted or retire from the service.

It is my view that there needs to be effective appraisal evaluation systems designed to test the success or otherwise of the implementation phase of the succession plan. Succession planning must include checks and balances. The appraisal and evaluation element will provide these checks without which I feel succession planning will be susceptible to failure.

Consideration should be given to work experience placements in the private sector in appropriate circumstances. An example would be in the financial centre or industry. Such placements would provide valuable experience and knowledge with respect to the global economy, individual major economies and how they influence or effect our economy, E-commerce and the potential this industry has for the diversification of our local economy, and most importantly, would provide hands on experience of the mechanics of our local economy.

Work experience placement is an area we have done to some extent. What I believe needs to happen is a broader comprehensive programme to deal with it. For example, when the present Financial Secretary returned from school, we arranged for him to be attached to Ernst & Young where he spent about 24 months attaining the practical side of his qualification as a Certified Public Accountant. So, it has been done before and can equally be done more comprehensively again.

Succession planning should include very clear and achievable objectives with mandated target dates. I believe this would give credibility to the undertaking. It is also fair to say that some years ago, the centralisation of training within the public service was instituted where each department of government would budget for the training needs of that specific department which I think leads to a co-ordinating role to the various portfolios under which the departments fall, be that the Department of Tourism or the Portfolio of Internal and External Affairs,

or Finance and Economic Development, or the Attorney General's Chamber or the Department of Education. I believe that coordination is necessary because we need to understand at the ministerial level what training is suggested and can it be justified and agreed to fit into the succession plan in the various departments.

We know that the Public Service Commission is the body that globally looks at approval of training. But what we are talking about is a co-ordinating role of the ministries or portfolios.

In my earlier comments I talked about succession planning and I mentioned conditions of service within government and the private sector. I also mentioned that in the early days of Cayman, in terms of being a financial centre, there was that helpful attitudinal approach by those who were at senior levels in banks, trust companies, accounting firms, or law firms, where they tried to assist the Caymanian to rise to different levels within their organisations and tried to use training as a methodology where genuinely necessary.

Today, we hear about a number of cases where this is not working to the satisfaction of many of our young people in the private sector. Some who are university graduates feel they are not being given fair and reasonable opportunity to rise to higher levels. I believe that there is a need for all of us not only speak to it, but to address that issue so that the social harmony we boast about can continue. I believe sincerely that Caymanians must be given an opportunity to rise to the highest level of their potential and expertise.

We hear about people who try to demoralise Caymanians who behave in not good work ethic manner. We believe that the government and the people of this country must move every obstacle by consultation or otherwise, that kind of behaviour in our country. It is our forefathers, it is the churches, it is the former members of this honourable House, and the present members, it is the vestrymen, the veterans, the former seamen, the community leaders, the justices of the peace who have contributed without any substantial financial reward, but from within their god given obligation to this country, the people, the children and us who have now come up to be leaders of the country to help move this country into an arena that nobody ever thought we'd be in.

If you told me 30 years ago that someone could have predicted that the Cayman Islands would be the fifth largest banking centre in the world, I believe somebody would have thought we were crazy. But here we are! We've made it. Actually, we made it almost ten years ago. We need to work together, is the message. We need to speak to those persons who have come to these Cayman Islands and who have become good corporate citizens, who fit into the community of these islands, who have given their skill, energy and dedication to improving the standard of living and the way of life in this country. We have to call upon them too to speak to others who have come to this country, who are at senior levels in companies to ensure that Caymanians are given every opportunity to rise to the highest level at which they can perform.

Let no one believe that I am saying that because you are Caymanian you have to rise to any level. That is not my message this morning. What I am saying is that Caymanians who possess the skill and the expertise to rise to higher levels, but my information is that they are not given the opportunity as often and in every organisation that they should. I am calling upon the private sector to ensure that that happens.

I want to move on to another subject now. I think it's important that I make some remarks on COS (meaning Contracted Officer's Supplement) and pensions. The statement I made in this honourable House which referred to a headline in the *Caymanian Compass* on Monday, 7 February, which was basically referring to the government in relation to civil service matters, we thought it was right to say (and I still think it is right) to the people of this country and civil servants what the position is. You could interpret the *Caymanian Compass* article to mean that the government means the members and ministers of Executive Council, when in fact the Constitution says (section 7) the civil service is the sole responsibility of His Excellency the Governor. It's not a matter of sitting on any fence. It's a fact of life.

What is important to note too, is that when we talk about this entire COS, it's important in an effort to understand where we are to remember from whence it hails. Where did this come from? It was the salary review of 1990 that dealt with a number of issues, in addition to salaries and wages. It also dealt with housing allowances. It also suggested that the COS payable to officers who are appointed on contract terms should be a methodology for replacing gratuities. My recollection of the COS is that in the early 1990s the government of that time was dealing with the National Pension legislation. In dealing with that the government wanted to understand what the value of the pension of a civil servant who was on permanent and pensionable terms of employment (PPE).

The exercise was done by an organisation that we still employ from time to time to deal with pensions, Watson & Wyatt. Their analyses of it indicated that the value of a pension to a person who as PPE is 15% of his or her salary. The government in 1990 took the decision that we would do away with gratuities, establish the COS and that in order to have what we today call 'parity' that the COS should be equal to the percentage of a PPE person's pension, 15%. The only difference being that the person who is on pension would receive his or her pension when they qualify at a particular age. The person on COS would be paid that amount on a monthly basis. But those same people were also entitled to housing allowance and the COS which was instituted was at a time when we abolished housing allowances for those officers.

We know that in even recent times, when we used this same organisation of Watson & Wyatt, the value of the PPE person's pension is actually 18% and not 15%. Some of the rationale for this is that we know by history that many of the people coming to the Cayman Islands being recruited by the government already have pen-

sions established. The COS payment was to allow them to continue to use that amount to pay their pension in their respective country. Perhaps today that is not 100% of the people we are employing, but that was the decision in those days.

I believe from a practical standpoint that it has merit to continue to pay the COS with that justification and that rationale. I don't believe civil servants today are trying to spite anybody. I think they are looking for equal treatment. I believe that I understand that just as well as anybody else. There may be cases where the individual who was recruited doesn't have a pension and he or she coming to the Cayman Islands would need to have a pension as required by law. Therefore we will have to work some kind of procedure within government to honour the obligation of the National Pension.

But one thing I can tell you, Madam Speaker, and the rest of the nation, is that those who are coming in drawing COS and there are none at present . . . there are no civil servants drawing COS and also drawing pension at the moment. What I was about to tell you is that it is every intention of this government to ensure that the persons who are drawing COS do not also draw pension. That amendment will be coming to this honourable House.

What I want to put a proviso on is how do we handle the person who is recruited who does not have a pension? We have to take that into consideration and we are dealing with it. But even so, you get one or the other—not both. I want to make that, as they say, crystal clear. There is every intention . . . and the legislation is being looked at (actually we have most of it) to ensure that whatever amendment is needed to the Public Service Pension Law (Law 6 of 1999) will be done by this government to ensure that no one qualifies for COS and pension. That's where the government stands on that issue. And we are not on any fence.

I believe this links to the public service pension fund. I want to make a little explanation there too. If we were to look at those early days of this fund, we would find that the contingent liability of this government as stated in the Government Accounts as at 31 December 1994, in the case that the civil servant pension scheme, and I quote "The statutory pension liability of the government as actuarially determined at January 1 1993 was a little over \$65 million." At the end of 1992, the pension fund was at \$6.2 million. You look at it, that was about 10% of the contingent liability.

I believe that when we get to 1996 and look at an extract from the government's accounts, it talks about the (changing the terminology) public service pension fund being the actuarial deficiency as at 1 January 1996, "fund liability was \$157.116 million compared to assets of \$16,735,000."

But I want to step back and I want to give a little bit of an appreciation for the way in which this government has taken on the obligation to the civil servants of this country. I want to track what this government approved to be inserted in the budget to be formally approved by this honourable House. I think that if we follow the figures

we see what I think is a clear attitude and honouring of our obligation. I want to underscore the fact that every civil servant on pension and every MLA on pension is paid separately from the figure I am mentioning. While they are being paid and their pension is being honoured by this government, we are simultaneously building a fund to take over the total obligation to civil servants and others.

The pension contribution in 1992 (rounded off) was \$1.1 million; in 1993 it was \$1.1 million, in 1994 it was \$1.2 million; in 1995 it was \$2.1 million; in 1996 it was \$2.3 million; in 1997 it was \$5 million; in 1998 it was in the area of \$8.5 million. (I have a series of number I haven't totalled.) In 1999, it was \$6.5 million, and we know that in 2000 it is over \$10 million. Tell me now about whether the government seems to be following its obligation or not.

When we look at the real effect of it, then, and when we take in the Public Service Pension Fund that not only deals with civil servants, but also includes some people who are under the statutory authorities, and some of the investment income, we find that at the end of 1999 (which is an un-audited figure) the amount in the fund itself is \$58.4 million. And when we take into account the contribution to the fund and the income, at the end of 2000 the estimated figure is \$76.4 million.

Part of the reason for this escalation in the contingent liability figure is because some years ago the hospital was an authority. Some years ago we included group employees into the eligibility for pension in a serious way. So that caused the contingent liability to rise.

I recently saw a statement that came out from the Public Service Pension Board to participants regarding past service liability and what have you. And it reads, **"The Board notes the recent discussion in Finance Committee and the relevant opinions given by the Attorney General on past service liability. The Board wishes to issue the following statement: An actuarial valuation as at 1 January 1999 is being carried out in accordance with the Public Service Pension Law 1999, and once completed will be considered by the Board. Thereafter the Board will carry out its further responsibility under the Law to prescribe rates in accordance with that actuarial valuation report. The Board wishes to remind participants of its responsibility under section 7 of the Law."**

The point we made was that this report is in the offing and we hope that it will come to us in the near future. When it does come to the Board, I am sure the Board will carry out its obligation under the Law and as a government, we will deal with whatever that actuarial report does say.

I believe too that we have every need to deal with the subject of crime. We have seen matters happen in recent times that are not normal or usual, and certainly not anything that the community wants to accept. In my view, there is a need to look at this with a comprehensive view to the future. We realise that that long-term view needs some amount of discussion among the parties it will affect or who deliver that kind of service to the com-

munity. I also think that the public of this country wishes this government to deal with that now—not next week and not next month, and certainly not eight months from now. It is the reason why the government (and I use that word deliberately) asked for a report from the Commissioner of Police to get the facts from the person who understands the problem.

We know that policemen were utilised to bring order to the prison last year. We know that they worked with heartfelt commitment in dealing with that difficult and complex problem. They did an able job in putting that matter right. But just as we can't be in two places at the same time, they have that same difficulty. They can't be carrying out their duties and also at the prison carrying out duties as well. Therefore, persons who think they are from us do take advantage of that opportunity. We have seen crime that we didn't really expect—ATM machines, persons being killed and aggressive attitude among some members of the population.

I believe there is a need. And I was pleased to know after all the discussion in Finance Committee that we wholeheartedly support the Commissioner of Police and the recruitment of 24 officers. We can argue about the distribution, and we can certainly take comments and views on board. But I believe what the public wants is a quick resolution to putting trained persons on the streets of this country to ensure that crime is minimised. That is the view the government holds.

Yes, we have to deal with the person on the street, the person who can't find a job, the person involved with drugs, the person involved with gangs. We have to deal with that too. But the longest journey begins with that first step. And the first step, in my view, is to address as quickly as possible the show of force, sufficient numbers of policemen in this community to give the impression to those who try to walk over the borderline of being law abiding citizens, that there is enough force here to deal with that.

There is a growing amount of frustration because of some of the attitude I talked about earlier, some people not giving a fair shake to Caymanians, who are quite willing, it seems, to use somebody else rather than the Caymanian. I believe that too, the government as well as others must address in the best interest of all of us in the long term. This social harmony that we think we have, if not addressed compassionately and energetically could rise up to change the way we live in this country. I don't want to bury my bones anywhere else but here.

[inaudible interjection]

**Hon. Thomas C. Jefferson:** Madam Speaker, there's across-the-floor talking here. And I am not sure how you rule on that. I am saying that in pun. And I am not asking you to rule, Madam Speaker . . .

I just wanted to say that I have what some people call vision. I would call it the need for action. I have this belief that unless the government initiates a programme to assist these young people who appear to not have the proper tools to get into the labour market, that it's not

going to happen right now. It may not happen in the near future either.

When we think about young people growing up, we see some that were born with God-given talents. We see people who can draw and it looks so real. But if that person pursues a degree in art or his God-given art in architecture, then he can make a significant contribution to the country and its needs. There are some people who blossom late in life, after 16 or 17. But sometimes a young person with all the peer pressure gets sidetracked and does not start to focus on where he is going until after he gets out of school. Then he tries to figure what he is going to do. He doesn't have to go to school, he's finished. But he doesn't have the tools he needs. How is he going to get them?

There is the Community College. Can he utilise that? But suppose he's not an academic person. How does he get that help? I believe that like any other issue there needs to be a revisit on our thinking in dealing with these young people, and others. Whether you call this compassion, concern, caring, or the need to play the big brother role, it's all. I think we need to take action to establish consultation with the various organisations in this country to work together to find an answer to helping some of our young people who are not working and who need additional skills to rise to different levels in the organisations they are in.

Many people in the Cayman Islands are not in the financial industry. And sometimes we talk about the tourism industry and the only thing we hear quoted is \$3.50 per hour. When you look at the hotels around the world, their package is different. Theirs is a combination of wages and gratuities. And when you look at the number of hours they work per month and you take into account the gratuities and wages they earn, you are not looking at \$3.50, you are looking at maybe \$6.00. But what is important is to also give the public an understanding that there are opportunities in the tourism industry equal to almost any that you are going to find in the financial industry.

When you are the bartender . . . do you know what a good bartender makes in this country? They make \$40,000 to \$50,000 per year. It's all part of the salary plus gratuity. When you think of a waitress or waiter, we say a couple of dollars. I ask, why, if that is so, is it that we see people coming into this country working in that area and in a very short period of time buying apartments, new cars and all sorts of things. Why is it? The bank isn't going to lend you money unless you have the ability to repay it. So, to me it means that the waitress or waiter is making substantial money, probably in the area of \$30,000 a year, maybe more, depending on how good that person is on delivering the service.

We have a system that charges 15% on the bill. And then, because the waiter has delivered the service to the individual, they are given another \$10, \$15, or \$25. It's all part of the income.

I come back to the central point I was trying to underscore. There is a training need in this country and it's not strictly academic. The training needs of these young

people out there on the streets (among others) requires us to establish in conjunction with the hospitality industry or the construction industry, or any other industry in the islands, a training project that allows these young people . . . let's address it to them in the first instance. Allow these young people to become productive citizens and get them off the streets. Help them lose that frustration of being turned down time after time looking for a job.

I am not going to try to diagnose and state how this will happen. I am trying to air my thoughts, which requires much work to be done to put this altogether. But sometimes, in this big picture, there could be smaller circles that allow us to step off, even though we are not able to deal with the big global picture of the labour market in the Cayman Islands.

How do you actually help these young people to be productive citizens? Because I believe that is what they want to be. When I was a young person, I didn't know what I wanted to be. I would venture to say that the majority of us don't. Not at that young age. Surprisingly I started as a plumber's apprentice at the old Galleon Beach Hotel. Then I did three and one half years going to sea for National Bulk Carriers. Then I served in the US Army for two years. It was at that stage (1965) that I decided what I wanted to do with my life.

There is a need to understand, or to try to understand the problem and to take action. Let us not wait to say that we need all the facts to deal with it. We have some of the facts already, we just need not to step off in a way that places government in the picture totally. I don't believe that is going to work. They will end up being on government's payroll and that is not the way the scheme should operate.

I am looking to help people find their job of interest within this country—carpentry, mechanics, masonry, banking, whatever it is. That is how I think it should happen. I have heard about people who return to this country as university graduates, who go to work in the private sector, who are not getting that helpful attitude they had before. Some suspicion is that I am not helping you because I have a good friend out there in some other part of the world that I want to bring. I even hear about fraudulent resumes, fraudulent character references. I believe that with have to put a stop to this.

If Caymanians are not given their rightful role in this community, then no wonder some people are making certain remarks. Like I said (and I even tried to sing it!) this is not about promises. This is about taking action that seems in all of our best opinions to address the issue. Some people would say that for eight years we did nothing about it. I would ask the member to search his mind and his soul.

**The Deputy Speaker:** Would this be a convenient time to take the lunch break?

**Hon. Thomas C. Jefferson:** Yes, Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended until 2.00 PM.

## PROCEEDINGS SUSPENDED AT 12.38 PM

## PROCEEDINGS RESUMED AT 2.15 PM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Debate continues on the Throne Speech. The Honourable Minister for Tourism, Commerce, Transport and Works, continuing.

**Hon. Thomas C. Jefferson:** Thank you Madam Speaker.

When we took the break I was still making some comments about training in this country, trying to look specifically at training that could be organised to assist people in this country who are not able to find a job, or a job that they have an interest in. I believe like the old saying, the Devil finds work for idle hands. So, it's in the best interest of the people of this country and the prosperity and social harmony that we cherish for government to spearhead a movement that leads to the establishment of training in a comprehensive way.

Can we work a training system that is agreed between government and the private sector? Can we work a training system that is agreed between Public Works Department and the construction industry? Can we work a training system that is agreed between government and the hospitality industry, or the financial industry, or any other industry in this island? I have always believed that working together hand in hand there are not many problems in this island that we cannot solve. So my call is to let us join efforts to ensure that the young people of this country do not end up on the street. That if they do not have the tools to find a job of their interest that government spearheads a movement to cause that to effectively happen.

I have had a lot of satisfaction from the Ministry and the Department of Tourism spearheading and encouraging and trying to motivate young people of this country and their parents as well, to consider moving into the tourism industry. I think if all the data were available we would find that in the early 1990s not one person was on an overseas scholarship seeking to have a bachelor's degree in hotel or other hospitality management positions.

I would venture to say that since the establishment of the tourism scholarship by my ministry, we have seen a significant improvement and interest by young people who are now studying either marketing, which is a tourism tool, or management of hotel or restaurant. We are very proud of the young people who have been selected by the ministry and its committee and awarded the tourism scholarship.

The first young lady received that scholarship in 1996. And she is graduating from Cornell University shortly. A young lady that has, as some people like to say, walked the walk, not talked the talk, a young lady who sacrificed and put her best efforts forward and who, from a university of that calibre is in that top echelon of students.

We have a young man in Florida who is also studying marketing. We are very proud of him. We have a

young lady studying hospitality management. We have a young man studying the culinary arts and doing extremely well. And just last year we awarded two scholarships to two young ladies who are determined to make their mark in the academic world and to return to the Cayman Islands to also establish their mark in the hospitality industry.

We need to ensure that these young people, after making that sacrifice and after obtaining high academic levels get the right opportunity to fit into the labour market in this country and be assisted, if necessary, by government. But hopefully, by the organisation they work in, they will have every opportunity to rise to the highest possible level that they can.

I am very proud that the ministry agreed to take over the Miss World and Miss Universe pageants in this country. We have seen people blossom into significant flowering young people who are not at all shy to give you their opinion about any particular issue they are asked about. These same young ladies who qualify for a scholarship, one is already off studying her master's degree. I am proud of that.

Sometimes you create a lot of energy and you utilise a lot of it to get something going, and I am very pleased that the Miss Cayman Islands Committee works like a real team. I believe they have caused the community to rally around those young ladies participating in the contest and I wish every one of them well in their pursuits. But even those who have not been chosen as Miss Cayman have gained from that exposure. And I believe that we can find a way to help young people in many different areas, and I site these two particular areas which I think have made a positive impression on young people, in this case young ladies.

I wonder what impression it creates for young ladies in this country when they are ambassadors of this country around the world representing Miss Cayman, who may not even be eligible to participate as yet. I think the way in which they carry themselves is commendable. They are indeed good role models to follow. Just like the people who have been selected for the tourism scholarship. We have some very able role models when they return to this country for the young people of this country to be able to take their rightful place in the community of the Cayman Islands.

I don't believe the economy of this country has ever been better. It might be equal. I believe that when we look at it . . . there will always be challenges. There will always be issues that we have to address, but I believe that the economy is buoyant, it's healthy, and we need to use all our efforts to ensure that the stability of this country remains permanent. It is that stability, be it the political stability or the professional stability of delivering services, or be it the government's management of its financial resources, I think those three areas in particular lead to an impression of the Cayman Islands that has created the investor confidence that has caused us to be so prosperous.

The Cayman Islands as a place seems to be a country where people want to stay. When we see people

who come to our shores and the fact that they want to find a work permit, or if they are a visitor they want to come back again, the real lure of that is the people of this country. That friendliness that we talked about earlier that going out of one's way to ensure that the visitor gets the right direction, the right appreciation, the right impression so that they leave with a warm and rich experience in the Cayman Islands.

Immigration has always been an issue in this country, from the first time they enacted the law in the early 1970s. And the world around us is not as prosperous as we are. And when that is so, we know that we have to be charitable to ourselves and look after the people of the Cayman Islands. Years ago we were the ones leaving the country looking for a better way of life, voyaging the high seas, coming in contact with people from different countries. I believe that was a healthy experience. I did three and one half years of it myself, so I think I am qualified to speak on it.

But there's no place like home. And when home is able to give you a livelihood that enables you to stay with your family, then we saw what happened from about the mid-1960s forward. Now, when we read about countries around the world, we find there are substantial unemployment difficulties, be it the Caribbean or otherwise. So, there should be no surprise that people want to come to the Cayman Islands and stay. There should be no surprise that they want to have a work permit, and there should not be any surprise that their culture may be different from ours, that their way of life may be different, that their attitudes may be different.

But I believe that everyone who comes to our shores has an obligation to try to fit in with the Cayman way of life. It is my belief that these people who come to us wishing to work in our country, to have a better way of life for themselves and their families need to be cognisant of the way Cayman ticks. What I ask is a reason why people want to come. And after they come, some of them—and I emphasise "some" of them—immediately want to change what is here. Now, if we change what is here, what we are accustomed to, the way of life we have enjoyed might be like where they came from, yet they were attracted to come here.

I am not saying the Cayman Islands is perfect, far be it from me. What I am saying is that there is a need to be good corporate citizens in somebody else's country, and there is a need to be generous to the people who are around you. And I am not talking about financial generosity; I am talking about personal generosity, kindness, and assistance.

We are not all university graduates. So some help even for those will be needed now and in the future. And there is the need to have that helpful attitude towards our people that will assist us in the long term to continue to prosper and maintain the social harmony that we so cherish.

We have seen a lot of movement on immigration matters. We have had the select committee produce a white paper—meaning a discussion document for the public to give its views to the committee. And let me un-

derscore the point that what is in the white paper, the discussion paper that is put out to the public is as a result of taking input from members of the public and these issues that are in the white paper are as a result of that. It is not the views of members of this honourable House. But it is the view of all of us, having received this input, that it is our obligation to say to the general public "Here's what we have. What comments or views do you have? Let us have them so that we can be sure that whatever action is taken by this honourable House is done with the input coming from the public." That's all that paper is.

I know there is a lot of concern about that paper, and rightly so. We didn't think they were easy issues either. But we believe that they are issues the public should know about and speak their view to the select committee and also to their representative in this honourable House. I believe that when we get that input we can then determine whether all of these issues go forward or whether the public does not support. I don't think anything here is going to happen. We say we are guided by the public and we have to carry out what we say, not promises, promises.

I don't want to get into too much detail on immigration matters because I believe that it is a subject that much discussion and/or comment will be coming forward in the future. I sincerely believe that there is a need to have a comprehensive coordination so that whatever is done at Immigration is known to the Labour Board, Planning and vice versa.

The other thing I believe is that we need to find a different system to deal with the volume of applications going forward to the Immigration Board. I don't find any logic when a person is granted a 12-month permit that one year later it has to go back to the board. I wonder why we can't just have an administrative process since there are no criminal convictions against the person, and no justifiable complaints. Why not just renew the permit and move on with it? Being mindful, of course, that the Labour Department's list of people looking for jobs is borne in mind before any renewals are done. But I think it needs to have some type of administrative process.

I really believe that what I am talking about, the coming together of the Immigration Board, the Labour Board, and Planning (and that is not an exhaustive list), we need to ensure that the information in the Labour Department is as comprehensive and accurate as we possibly can because with the best of systems somebody will try to find a loophole.

I believe that if you have a system of saying to the companies in this country, be it a bank, a trust company or any other company, it may be difficult when you look at the one man, two man operation, but when you look at the majority of companies in this country, I think it is sensible to say to the person who is the leader of that organisation, *'You come before the Immigration Board and justify what work permits you are going to need in the next three years. What training are you going to do for Caymanians? What promotion will you do for Caymanians in your organisation.'* And you tie that package up

with monitoring to ensure that the obligation to train Caymanians does actually take place.

This is not the first time I have mentioned this. I believe the volume of work is so huge that it turns everybody off to try to deal with it. When the Immigration Board sits at 9.00 in the morning and can't finish until 7.00 or 8.00 at night, it's time to look at the system. I also believe that we have reached the day when the chairman of the Immigration Board needs to be a full time job. I don't believe that job can be carried out by all of the persons who have been so generous before, spending that amount of time from their respective jobs.

I want to say that we all need to be careful about the selection of people at chairmanship level, that the person possesses knowledge and understanding about the various industries that go on in the Cayman Islands. I believe that we need to be careful how we find that person so that we are sure of the way in which the person will perform. A lot of this country rests on the responsibility and obligation and dedication to duty of the Immigration Board. But if we use this mechanism of a three year coming before the Immigration Board and laying out your plan for three years, and yes, it has to be that this information is treated with confidence.

But you lay out your plan for the three years. The plan will involve the essential work permits you need for that period of time, the Caymanians you are going to promote in that period of time, those who are not eligible for promotion but who are going off on training to put them in a position to be eligible for promotion I think has to be laid out. If we change that system to this I believe we are going to end up with much better administration of that 13,000 work permits (if that is what it is), of training and promotion of Caymanians.

I believe that to effectively deal with this, we have to tie it together. If you are walking in and getting a work permit for 12 months, and two months later you get a work permit for 12 months, and six months later you get another ten work permits for six months, then it is difficult to see the overall picture. But if you can see the overall picture in a company for its needs over three years, and you can set up the proper mechanism to monitor it in terms of promotion and training of Caymanians, then I believe that system with everybody working effectively will help the situation we have today.

There is another area at issue—housing in this country. There is a need to deal with it. While we have agreed to \$2 million in the budget for housing, meaning housing for persons who have difficulty in getting a mortgage from the bank, I believe we need to take a comprehensive look at this housing. I sincerely believe that while this is a good step, we do not want to end up with somebody branding us, saying this is a Band-Aid approach. One of the things the census form I answered asked was a lot of questions about housing and the quality of it, in terms of rooms, and what have you.

I believe that as we move around the country and go into those unusual areas people don't go to, we see the need for housing assistance. I know that many countries in dealing with housing for lower income families

have a tendency to put it all in one place. I don't believe that that would be the correct thing to do in the Cayman Islands. I believe that we should look at each individual case in each district and take some decision about leaving the person in that particular district rather than moving him to some other area of the island. Sometimes it is better to create little houses than to create substantial apartments, and then find that the maintenance of those properties is not all that you want it to be.

If the organisation that builds houses for \$125,000 can do so in this country I ask why can't government do it as well. If we do not help our people, who is going to do it? The cost of construction is constantly increasing. The cost of land is constantly on the upward spiral. Probably 20 years ago you could buy land on Seven-Mile-Beach for about \$1200 a foot. Tell me what the price is today, if you can find a piece to buy. I would venture that it's more than \$20,000 a foot!

I am not suggesting now that the housing I am talking about would be on Seven-Mile-Beach, but I do know that 20 years ago the cost of a house lot was then deemed to be a reasonable sum of money. Today it's probably going to be in the \$25,000 range. And the people we are trying to help, which is the waiver we agreed to, that those houses will not attract stamp duty up to \$150,000, it's a help to members of the population trying to get a roof over their heads, who are trying to really move away from paying rent with no benefit accruing to themselves.

If they take a mortgage on a house, after a couple of years they begin to accumulate some value in the house. And I think that is a sensible thing for government to begin to address. Not to say we haven't, but to say that I think we need to find the details of the census report which we are all asking for. But I do know that persons are still going around trying to get information from households who have not completed this census questionnaire. Really, we have to be honest and reasonable. That is the reason for the hold-up. That is really the reason.

I also want to say that the senior citizens of this country were here toiling long before we were little girls and little boys. I believe that it is proper for us as government (or any other government) to look at the needs of these senior citizens. I remember my days of working in New York. I remember going into a restaurant half a block from where I was working and something happened that I never forgot. A waiter was serving two or three of us who had gone there for lunch, and he expressed the feeling that the manager of the restaurant was on his back, so to speak. After a while he said, "You know what, I don't have to work here because the \$80 you pay me . . . when I go on welfare I can earn \$90. I am going home. The Devil with you!" And he did.

My wish is that every senior citizen in this country who is in need is professionally assessed by the Social Services Department and my personal view is that whatever that need is that should be what government addresses. If the need is \$600, I think that's what we should give them. Maybe they need more because it

may be combination of financial need to assist the operation of the household and in that assessment they may also determine that housing repress are necessary. I think that when we deal with these senior citizens who delivered to this country . . . I think we need to look comprehensively at what the need is and seek to address it.

It's only a few years ago that people were making real money in this country. So when they start talking about this huge nest egg, and their certificate of deposit, and a big savings account, that's why I am saying let's do a professional assessment of the needs of the senior citizens. And let's ensure that we meet the needs of the family.

I think that is one that all of us have looked at over the years. And the initial amount has been increased and last year we moved a motion and increased it up to \$400 today. That might not help the full extent of the need. So I think we need to revisit this area. If I understand it correctly, the Minister responsible for Social Services is looking at this in some depth. But I don't want to leave any doubt in any senior citizen's mind that this government is willing and has assisted the senior citizens of this country and will continue to assist the senior citizens of this country.

Then you hear on the marl road '*You know, this person (who is not a senior citizen) should be assisted to go to work.*' That's where I believe the training of government should step in and provide the tools to allow the individual to walk with pride and pay his or her own bills by the (as they say) sweat of the brow.

The youth problems in this country . . . you know, there are always degrees of appreciation of it. When we were growing up and mischievous, like most boys are, in those days they called us bad boys. All of us have been labelled at one point or another with different degrees of what a "bad boy" (or bad girl) is. Sometimes these young people are crying out for attention. And sometimes the only way they are going to get attention is by demonstrating some unusual behaviour that the community does not want to have. I believe it's time for all of us, government and others, . . . and it is true. Policing is not the whole problem. We have to address the family unit because the person on the street causing the problem comes from some household.

We have to assess the needs of that household, the needs of the parents and of this individual and try to come to grips with it. Just locking him or her up doesn't change the attitude. It may harden the attitude. And they may get further training for misbehaving in this process of being incarcerated. I think the government on a whole has put together a number of programmes and facilities and coaches, and people have rallied around football games and young people and the Cubs, among others, there is a lot of activity going on. It is healthy and there are a lot of good young people in this country.

When you take the time to look and analyse the position, what we are talking about is a small number of people who are misbehaving. So, why can't we find a way to deal with it? I am talking about dealing with it from the household coming up. Sometimes we say the Devil



finds work for idle hands to do. If you are not working, and you are on the street with the peer pressure today, there is every likelihood—unless you come from a strong Christian background—that you may get involved with something you should not. The problem when you are in the peer group is that if you are not careful you get led into things that you don't want to be part of, but the fact that you are there makes you guilty by association. I think we all need to pay attention. Young people need to pay attention to this.

And it's not just true for young people. It's true for all of us at whatever age: the company you keep gives you a label. I say commend all of the people of this country who are delivering services to young people and senior citizens. I support you and I will do whatever I can to assist you in your duties.

I want to now move on to one of my ministry subject, Vehicle Licensing. I think the Omnibus operation (from all I hear), although not established long ago is certainly being utilised by the public and we don't hear a chorus of complaints. I interpret that to mean that it is working reasonably well. I know that there were a number of persons in this business before the ministry assumed responsibility for it from the police department, and a number of them were not in possession of the status required, that of being a Caymanian.

So, in recent times we said to them that we felt they were earning their livelihood in this area. We knew they were married to Caymanians, did not possess Caymanian status, but that they had been in this business for so long, without any objection we felt there was a need to provide a signal that they did not fall within the law in terms of a possession of an Omnibus permit. So, we said by letter that we would give them until June to sort out their status. We know this doesn't take a long period of time if you are married to a Caymanian and you have been residing in the Cayman Islands for ten or more years. We felt a moral obligation to the Caymanian spouse not to step in with a big stick, so to speak, and discontinue that service.

Some members questioned why one West Bayer had eight buses. My understanding is that the West Bayer had a number of buses, and some of the people delivering the service sold out to him, thus he added three or four additional buses. That's how he came to possess that number of buses. I am pleased that a Caymanian is involved in this service. I am pleased that all the Caymanians are involved. I think it came as a surprise to most of us when a year or so ago when we decided to allow people, Caymanians, to apply for a taxi licence. We wanted to lift the quota by 25, and we got 60 or 70 applications. We took the view that if they could all pass the examination, and they are Caymanians, that we should give them the opportunity.

What we were trying to achieve was for the visitor to get that Caymanian flavour. One of the first people they come in contact with is the taxi driver. If that person has been in the Cayman Islands for a long time, has Caymanian status, or was born here, they will get that flavour

from them. We felt that this was a good thing. So, we said if they could pass the test we would licence them.

When we started dealing with the Omnibus permits, almost the same thing happened. They came forward like they had never come forward before. But some of the people who came forward had not been in the business before. Some of them are Caymanians married to a non-Caymanian. The law says you cannot allow a non-Caymanian to have a licence. So what they really need to do is sort out their status and then come forward. That's the simple answer to those issues raised.

**The Deputy Speaker:** Honourable minister, would this be a convenient time to take the break?

**Hon. Thomas C. Jefferson:** It is.

**The Deputy Speaker:** Proceedings will be suspended for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.13 PM

#### PROCEEDINGS RESUMED AT 3.32 PM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. The Honourable Minister for Tourism, Commerce, Transport and Works, continuing his debate on the Throne Speech.

**Hon. Thomas C. Jefferson:** When we took the break, I was dealing with the Vehicle Licensing Unit. I want to say how proud I am of the way in which the director and his staff have really delivered the service to the population of this country who are in need of driver's license, or registration of vehicles, or whatever service needed from that unit. I believe we have transformed this organisation into a much more consumer-friendly unit than ever before. I know the unit we established in West Bay last year is one that is well appreciated by the population of West Bay. I have only had good positive comments about that unit in particular.

We have been trying for some time now to move an amendment to the Traffic Law and Regulations that deals principally with handicapped parking in this country. Vehicles driven by handicapped persons will have a special emblem from the Vehicle Licensing Unit, and only those vehicles should park in a handicapped parking space. We also want to legislate a fine for those who park in those spaces when they should not. We are pressing on to have this amendment and we are hopeful that within 30 to 60 days we will have the amendment to the legislation and will move forward to have legal backing on handicapped parking.

We are not focusing on the fine, we are focusing on the need for the space to be left open so that people not as fortunate as others can go wherever they wish in this country and find a parking spot available. That is the focus.

When the ministry assumed responsibility for E-commerce, not too long ago . . . and I must say the

committee is working at such a pace that it even surprises me sometimes. It's a good committee made up of public service and private sector individuals who are contributing to the legislation of the Electronic Transactions Bill. I hope that we will be in a position to move that legislation through this honourable House. My view is that before we present it to the House, members of the Legislative Assembly would be given a briefing by the drafting subcommittee of this organisation so that they have an opportunity to hear firsthand from the people involved in the drafting of the legislation, to ask questions.

One of the areas I am sure we will have to address is the cost of conducting e-commerce business in the Cayman Islands by Cable & Wireless as providers. We all know that we have to be competitive in order to attract business. If our prices are twice as high as others, do you have any questions about where the public is going to go? In looking at a publication that compares the typical weekly communication bill for a small business, we find that the Cayman Islands is approximately 60% (59.94%) higher than Bermuda. Is there any question as to who is going to get the business? It is an area that government will have to address with Cable & Wireless if we are to be successful in competing in this market.

We know that this market, e-commerce, has the potential to move this country to an even higher level in the world of service. We know that e-commerce is the way of the future and an area that we have to compete in. If the cost of doing business in the Cayman Islands is a stumbling block, then we must address that issue. We must ensure that Cayman is competitive. What is the point of making legislation if we are not going to address all of the various pieces that cause us to be competitive I call on Cable & Wireless to address these issues.

While this publication I am reading from may not be wholly accurate (I have to say that because I don't know that it is accurate), the fact that we are approximately 60% above Bermuda and 57% above The Bahamas, and 56% above Barbados, I would draw from that that we are likely to be more costly than them. I think it has to be addressed.

Sometimes people use a profit margin (and I am not saying this about Cable & Wireless) that says *'I know that I am only going to have a small turn over, so I am going to charge all I can for the service and thus make a profit.'* There's another way of carrying this out, realising that the volume is so huge, unlimited in a sense, that if you cut your price right, you will make an even greater profit line at the end of the day. I believe that is what I would ask to be taken into account in considering the cost of service by Cable & Wireless.

I am also pleased to be the Minister for Works. I am pleased to work with professionals in the Public Works Department. I will not name names, but I think we all know who they are. They are providing able services to this country, all of the work being carried out on the roads in this country, be it resurfacing or the extension of the Harquail, or the Bob Thompson Way junction, all done with Public Works Department expertise. I have to commend them for their dedication and commitment.

When we were dealing with the roundabout at North Sound Road towards the end of last year they were out there morning, noon, and night to make sure it happened on time, before the peak tourism season. I have to give them full credit. Full credit goes to the men who work on the district roads as well.

I was very pleased that this honourable House agreed in Finance Committee to vote the funds to start this work in January, when we have dry season, when we are able to more effectively deal with repair of roads or building or resurfacing of roads and be more cost effective. When the Auditor General talks about value for money, this is the best way to achieve it. I am very pleased that members agreed to that.

We have seen that the shoulder work in the George Town/Spotts/Lower Valley/Breakers area is well underway and some has been completed. I am very pleased about that and I think it's right that if the public is not happy about something that they should say something. But I think it is also right to realise that sometimes there is another way of doing it other than the way I am thinking. Let us understand that as well.

We are hoping that the Crewe Road Bypass, which will be of significant benefit to the traffic from the eastern districts, will be open in the summer. We are addressing that issue at the moment, working diligently. I think that some of us can visualise the work nearer the Old Crewe Road/New Crewe Road Junction.

I have to particularly mention the Deputy Chief Engineer, Mark Scotland. I think he's an excellent young man with potential. He's dedicated to the Cayman Islands and the people of this country. He was one of those who I mentioned being out there morning, noon, and night when we were trying to get the roundabout finished at North Sound Road.

Members of the public told me that when the extension to the Harquail and the roundabout they travelled from as far as Lower Valley to drive on it, and they found themselves going round and round in the roundabout, just to get a full appreciation for it and how to manoeuvre it and they were tickled to death—and, I must say, so was I—when they went through it. I think that overall, we can all be proud of what has been accomplished there.

We plan also to deal with the road that leads from the roundabout to Crewe Road, and we also plan to deal with the Crewe Road Junction where we will have a junction similar to what we have at Bob Thompson Way. Even now as we drive through in the morning and the afternoon, the people turning right or left create some congestion in that junction. There is also a need to resurface and lift a portion of North Sound Way in order to deal with the flooding that took place last year.

When dealing with the Crewe Road Bypass we also have to deal with the junction across from Hurley's. We will soon be bringing that to members of the House so they can visualise what it is we have in mind there.

Resurfacing of roads . . . I think we accomplished a great deal in 1999. We are looking forward to more resurfacing. We believe that public is indeed pleased with

the portions of roads resurfaced. I want to thank members for voting the funds to let it happen.

We also want to look at the Bob Thompson way coming across to Crewe Road into the roundabout at Thomas Russell Way which will allow two lanes of traffic to come into it, one to turn left and go down Elgin Avenue, and the other to go right through the roundabout and across to Crewe Road with a view to a smooth traffic flow now and in the future.

District roads are moving on. One team is working in George Town since January. There is a team working in East End. I hope they have come onto your district, Madam Speaker, or will be shortly. There is a need for road visits in the Bodden Town and West Bay area and we are hoping to do that shortly so that we can move on with those district roads as well. Let us caucus and see what is a convenient day for all to do this visit. The last time we had to do it on a Saturday because we couldn't find any other day we were so committed with other activities. Quite frankly, I have no hesitation with doing it on a Saturday morning if that is what is required. Otherwise we are going to get to a position where the teams are finished with their work in the respective districts and then no where to go because there isn't an agreement for the roads to be done in Bodden Town or West Bay.

I know that we have been working on Fairbanks Road, leading from Bob Thompson Way, down through the back and out by the schools. Public Works Department has been widening the road, doing chip and spray and they are still trying to make sure that it's done to all of our satisfaction. When the Crewe Road Bypass opens in the summer, we thought we would get ahead of that and do that particular section now that needs to be addressed so that when the road opens we will have a good flow of traffic and not wind up with potholes all over the place.

The area of streetlights is an area we are also working on. I think if members have some need, if they would assist us by getting the number on the pole and writing to us we would do it. All of the requests that have been made to us we have put on to Public Works Department, who does the coordination with CUC. Unless something came in this morning we have asked Public Works Department to deal with all the matters that were put to us. They have asked CUC to deal with it. Sometimes it appears we are taking a long time, but we are in the hands of CUC as to when they are available to do it. I do know that when you require a pole to be installed, it can take months to get it done. I mention that to say to members that this has been my experience. I wish it were different.

Cable & Wireless has numbers on the poles and they have a system that identifies exactly where that pole is in Grand Cayman.

We know that in all that we talk about, and all that we attempt to do that there will be times when we do not accomplish all that we set out to. There can be a variety of reasons why that is so. But we have to continue to press on and work at our objective of providing service to the people of this country.

We also know that we have been working on the quantity surveying section of Public Works Department. We have the computer programme for it, and I understand that it is being or has been installed. They will be able to do a lot of the work without having to put it out to the public.

Since assuming responsibility for Public Works Department we have been trying to deliberately say to those organisations that make classified ads on behalf of Public Works Department that they should not quote the dollar figure, just the specifications of what is needed. Let those persons willing to put in a bid do the bidding and work up the figures themselves. I feel that if we put the figure out, then there is that possibility that people will use that figure for their bid, rather than doing the exercise for themselves by looking at the specifications.

We hope that the Harquail Extension and roundabout will come sometime in the not-too-distant future. The overall plan seeks to extend the Harquail through the Hyatt property down behind the Grand Pavilion on the east side of Foster's Food Fair at the Strand, and to the east of Bella Capri, tying in to the property presently leased by Ritz Carlton into SafeHaven. I believe that if we are able to punch through to SafeHaven we have the majority of the problem licked. There will be a need for the widening of that particular area as we go through Governor's Harbour and down towards Indies Suites. The proposal also takes it a little East of Indies Suites and ties in with Batabano Road. And that's as far as the present proposal takes it.

Work is continuing in the drawings and the cost, so we hope that next year government will be in a position to put forth a budget seeking to move further north the present Harquail extension. I believe that is in the best interest of the country.

And when we talk about resurfacing, last year we took technical advice about what part of the road should be done. As a result of that advice, we now have what is done. But I sincerely believe that the worst part of the roads in this country is from the Governor's residence coming into George Town. Whenever it rains you need to put on your boots to get past the Hyatt. We have a similar problem by Treasure Island coming up towards Sleep Inn which will not only require resurfacing but lifting the road to deal with the flooding problem.

In recent times, Public Works Department has installed drains. In the past, the diameter of the drains was 4" or 6". They are now 10" in diameter. That has assisted tremendously, especially in the industrial area on Dorcy Drive. They noticed that the water drained off rather quickly in comparison to how it used to drain. So I think that all of those are additional items that Public Works Department is using for road improvements.

When we deal with some of this roadwork, there will be a need to purchase land. So far the majority of the road known as the Harquail Bypass didn't cost us anything. There is one claim before the government that is about to go before the assessment committee. Barring that one, there is no other claim that I am aware of.

When you get into town and you start dealing with what we call the North Sound connector, which is the road leading from the roundabout to Crewe Road, when traffic is backed up from the traffic light, and you want to go to the airport you can't get around that piece of sidewalk that jets out to the west. Even though the lane is open you can't do it. So there will be a need, and Public Works Department has been talking to the owners and I think to the best of my recollection there is agreement as to how that can be handled. It will be widened and we will have to purchase property to give them a similar amount of parking space with a view to opening that up so that traffic can flow freely.

I am proud to have been the minister responsible for the Port Authority. The service delivered by that statutory authority is at a level that I am satisfied with. I think the majority of the public is satisfied. I think the director and his staff are worthy of my commendation for the able way in which they have performed their duties. We have looked at many different decisions that are necessary with a view of ensuring that when we do take a decision to purchase land we are looking 15 years or more down the road. So much so, that we have purchased land in the cargo distribution centre. We now own land when we look across at it, coming down North Sound Way . . . all the land that you see from the Cargo Distribution Centre (you have to be at a specific point, of course), is owned by the Port Authority, with a view that sometime in the future you will need to have another access. You will need to have more roads, more space for parking of containers and the sort.

We made some modifications in the area to ensure that the public coming in to receive their goods are not placed in an area where 40 foot containers are being lifted, ensuring the safety of the public. We have extended the warehouse to such an extent that it is double the space it used to be. When we look at the tonnage that has been coming into this country since 1992, it's surprising to know the growth of items coming into this country. In addition to expanding the warehouse space, we have also added racking which allows us to stack up to eight or 12 feet which more effectively deals with the volume of cargo coming into this country.

One of the items that the Port Authority has been examining over the last two years is the need for a dock. The present finger pier is 190 feet long by about 40 feet wide. In February of 1998, it was damaged to such an extent that to fix it would really be a Band-Aid job. I say "Band-Aid" for a couple of reasons. But one reason in particular is that when we have the *Morrant Bay* in port, which is often, the ship is 380 feet long. That is why she sticks way out beyond the dock. Even when you have the cement boat come in, she's way beyond the dock. So the rationale is that the next size ship that would come to the Cayman Islands—not necessarily next year, but five or ten years down the road—would be 450 feet long. That's the reason we came to the conclusion that the dock should be able to deal with that size ship and the expenditure would be more effectively spent than doing a Band-Aid approach.

The width of the dock is 240 feet wide. And the reason for that is that you would be able to take two ships up to 450 feet long on either side of that dock, while simultaneously utilising both cranes and trucking to take containers off. I believe that we are listening to all input. But in the best interests of this country, we need to build a dock. If we get a serious hurricane, God forbid, in 2000, my bet is that you are not going to be able to dock where we are docking now. The only thing that is effectively in place are the pillars that come up from the ocean floor. The majority of that finger pier is not useable.

In that Nor'wester of February 1998 (where the wind came more from the west) the dock broke up. It fell down into the ocean. We made our claim to replace it. The insurance company has honoured the claim of one and three quarter million dollars, which we will utilise to our best advantage in dealing with the future needs of the port. What is important is that this country's movement of goods is secure. If that port does not operate for a week or two, I think we will fully understand the service being delivered there and what we are trying to accomplish. We need to try to get value for money when dealing with this dock. If you build it 200 feet long now, and ten years down the road you build the other 200 feet . . . I bet it will cost you a lot more doing it that way.

We have been in consultation from the first day with the Department of the Environment, and we have worked with them in terms of the environmental impact study that needs to be created. We have accepted their advice, we have utilised the firm Moffit and Nickels [?] they have carried out their study. They have made their report. When we had a public meeting about it some people said they were not happy with it. We then went back out and said get another professional to audit the report. I haven't seen it yet, but I understand that it is also back and the results agree with the study of Moffit and Nickels.

It says there is no serious damage to any part of South Church Street or Hog Sty Bay because when you build the dock 450 feet out, which is a solid block, not what we have now where water can pass underneath, that dock will protect Hog Sty Bay more significantly than we have ever seen it protected before. The exercise also says that when you look at wave action further to the north, there is no significant wave effect that's different from what we now have. It will be on the dock itself, that narrow portion that fits the "L" where it jets out and comes back to the dock itself will take the bulk of whatever waves there are.

The movement of sand on the ocean floor is not a factor. My view is that this dock . . . listen to all the people want to say, but I believe it is in our best interest to move this exercise forward. I know this is a political year. But I stand by my own conviction as to what I believe is right and proper for this island and its people.

Sometimes the people who complain about something, and it's not done, are the same people who come later on and ask 'Well, why didn't you do it?' I marvel sometimes when I remember the objection to the Middle

School in 1979. And now everybody thinks it's a great thing. Now we are talking about a third high school.

One area I am going to step back on, where I have not really held to my promise is that the Bodden Town unit is not yet in place. But we've done the visit for the Bodden Town Vehicle Licensing Department, and we have made a selection. The Second Elected Member for Bodden Town and the Third Elected Member for Bodden Town were with us together with members of Public Works Department. We are moving forward in that direction. We hope that before too long we will be in a position to open it and to deliver the service to people of the eastern districts. I think the conveniences we are able to provide will cause less traffic coming into George Town. If you have to come into George Town to just register your car . . . imagine the amount of traffic coming down Bodden Town or Red Bay Road just for that purpose.

It was just last week that I attended a graduation ceremony for six recruits of the Fire Service. I want to offer my congratulations. This country appreciates that the Fire Service is a well-run department of government. Hats off to Kirkland Nixon and his people.

**Hon. Anthony Eden:** Hear, hear!

**Hon. Thomas C. Jefferson:** It's not just today that he's been doing this job. My memory takes me back 30 years.

It is amazing when you look at the equipment they use, how new they look, and how old they are. It's amazing. It shows his concern and the dedication of his staff towards the equipment this House in Finance Committee agrees to make available to him. And let me say that it is seen as a model organisation in the Caribbean.

One of the great credits of Mr. Nixon and his staff is that even youngsters who can be kind of difficult at times, like we were, he causes them to be disciplined after a short period of time.

When we start talking about Caymaniansation, you don't have to look at the Fire Service; it's already that way. You don't have to look at the Customs Department and Mr. Carlon Powery and his staff. It's already that way.

Customs sometimes gets stretched to the limit. Even our expectations as to how much revenue it will collect, which is not only the duties they are providing but ensuring that we keep all contraband materials out as well. I have to say that Mr. Carlon Powery and his staff perform at a level that I can easily say, well done.

There will always be complaints, even about you and me. That's not to say that we are not performing well. It's just a matter that somebody has a different opinion than we do about something. You know when you are dealing with subjects like contraband—you can get all sorts of complaints. But the question is, Is it fair to all concerned? Is it true? Does it build goodwill and better friendship? I don't think so in most cases.

I know there may be other departments that are fully Caymanianised. Cayman Brac and Little Cayman may be one of them. Full credit to them too. And that trouble-

some subject of Immigration. They are also fully Caymanianised.

I have to say that when Mr. Orrett Connor took over the Immigration Department many of us said to ourselves, '*Boy, he's in for quite a task.*' That is not an easy subject to be the chief of because you are dealing with so many personalities, so many different nationalities, so many different issues. It takes a real person of substance to deal with it effectively. I think he has. He has served this country well, and I commend him for the able delivery of that service.

From time to time, we need special expertise to come in to assist us with some amount of our tasks. But that sometimes is a short-term matter because we don't have the staff to carry out that particular function, or maybe we don't have the specialisation to begin with. But we are the roots of this country and we must shake the tree when it needs to be shaken and deliver the goods and find out where the beef is.

I want to make some points on all the issues facing the Cayman Islands, particularly those outside. I believe the Cayman Islands has a good team representing it in dealing with OECD matters or European Union matters, or talks with the UK or the US. I think that some ground has been covered. I believe there is a lot more work to do. Negotiations don't allow us to go public and say what is being negotiated because we know the other side has asked us not to do it.

There is a need to say to the public that we are going off the island. We haven't done that on every occasion that we have gone off. I don't know if we did it when we went to Paris, or the UK. Upon our return, we did a proper news release. None of this is carved in stone, so if the public want s to know when we are going off we are happy to give that information to the public before we leave the island. That's no difficulty at all.

The country has spent a good deal of money in dealing with capital work over the years. Some people even ask what we got for it. I am going to be able to tell them on Wednesday morning exactly what we got for it. But let me just quickly indicate some of the things we did get for it. We have a brand new hospital that is second to none in this part of the world. We have health clinics in West Bay, North Side, East End, and Bodden Town. We have civic centres in North Side, East End, Gun Bay and we are going to have ours in West Bay as well.

**Mr. W. McKeeva Bush:** Yeah right!

**Hon. Thomas C. Jefferson:** Any Doubting Thomas can doubt. But my name is Thomas—and I am not a doubting one. It is going to happen.

**Mr. W. McKeeva Bush:** Ohhhhhh!

*[Members' laughter]*

**Hon. Thomas C. Jefferson:** In this country we have public beaches within the districts. Some never had jet-ties for the public before. Some districts never had them.

We have just about finished one in West Bay. There was only jetty on the south side of the island from Northwest Point up to George Town. We want to be sure people understand what this jetty is for. It's not for tying up big boats that will bang against it and knock it down. We will shortly be putting up the relevant signs. It is for dropping off. This jetty is for the people of West Bay and we are going to see to it that it happens that way.

We have a Harquail Bypass, two phases of it. The Crewe Road Bypass is under construction due to open in the summer. We have roads that are resurfaced.

#### MOMENT OF INTERRUPTION—4.30 PM

**The Deputy Speaker:** Honourable Minister, it is that hour of the afternoon. Will you be winding up what you are saying about capital projects in a few minutes?

**Hon. Thomas C. Jefferson:** With the greatest of respect, I will not.

**The Deputy Speaker:** I did not mean for you to wind up your speech. You were just dealing with capital projects. I would entertain a motion for the adjournment of this honourable House.

**Hon. Thomas C. Jefferson:** I apologise. I was just trying to be funny. I understood what you meant.

#### ADJOURNMENT

**Hon. Thomas C. Jefferson:** I have the pleasure of moving the adjournment of this Honourable House until 10.00 AM Wednesday.

**The Deputy Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Madam Speaker, under Standing Order 11(6), I wish to raise an issue that is of significant importance.

**The Deputy Speaker:** I have given you permission. Before you read the statement, has a copy been passed to the minister with responsibility under the relevant Standing Order?

**Mr. D. Kurt Tibbetts:** Yes Madam Speaker, this has been done.

The Serjeant-At-Arms was given a copy and it was placed on the minister's desk. Unfortunately, the minister was not in the Chamber. After some time had passed I advised the Serjeant-At-Arms to please advise the minister and he did so.

**The Deputy Speaker:** You can proceed with your statement.

### RAISING OF MATTERS FOR WHICH GOVERNMENT HAS RESPONSIBILITY

*Standing Order 11(6)*

#### DISRUPTION OF FIGHT SCHEDULE OF CAYMAN AIRWAYS LIMITED

**Mr. D. Kurt Tibbetts:** I wish to raise the issue surrounding the recent and very serious disruption in the flight schedule of Cayman Airways Limited (CAL).

The Airline now has three aircraft, none of which were in service as of earlier this afternoon. While all three of these aircraft are out of service for different reasons, the fact is they are not flying. The only plane flying for CAL is a 727-100 series aircraft leased or sub-leased from First Air. This aircraft was accompanied by only one flight crew, severely limiting the number of hours that it flies on a daily basis.

The net result is total chaos with the flight schedule, freight service, inter-island services, and international flights that are almost to a grinding halt. It is my understanding that over 1,000 disgruntled and inconvenienced passengers, including many school children, parents and teachers who are still housed in hotels at various destinations with their accommodations and food vouchers being at the expense of the Airline.

It is obvious that our national flag carrier is experiencing some trying times and the dedicated staff must be finding it very difficult if not impossible to cope. We fully support Cayman Airways Limited, but we are very worried about its future. We are also very concerned about staff moral at this point.

Rumours abound and experience has taught us that they do none of us any good. Questions have to be raised, questions that are relevant. They need to be answered and in a responsible manner. Some (and I underscore "some") of the questions that need to be answered are:

Was it a sound decision to have both aircraft that were in service scheduled for extensive maintenance back to back without first waiting for the third aircraft to come on line? Might it not have been more prudent to seek an extension of airworthiness for one of them until this was the case?

That is only a question. I don't know the correct answer, but one would have thought that, as in previous times where CAL has sought extensions to their airworthiness for reasons relevant at that time, this would have been the case on this occasion.

Why would management lease or sublease an aircraft to supplement the scheduled air service when only one flight crew is provided, thus severely limiting its daily flying hours?

Can the airline survive financially within the present climate and how will it do so? Will the many staff issues outstanding be addressed? Does CAL need to re-examine the type of equipment it is presently using? Which strategy will be employed to regain public confidence in the Airline?

The truth is the issue goes far beyond the realm of the Government and the Opposition. Many jobs are at stake and it is the public's money that is being spent. The people of the Cayman Islands have the right to know the facts surrounding the CAL dilemma.

I am requesting that the Honourable Minister responsible make a public statement outlining all of these facts so that everyone may have a full understanding and appreciation of the position which the airline finds itself in at present.

**The Deputy Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Boddén:** Thank you. I will reply to what I can now. I really thought when the Serjeant-at-Arms spoke to me it was just a note. I didn't realise that I was going to face a major statement. I have really just read it.

The first one that relates to having both aircraft—

**Mr. D. Kurt Tibbetts:** Madam Speaker, if I may. If the minister would just give way for one second, please.

**The Deputy Speaker:** The First Elected Member for George Town

**Mr. D. Kurt Tibbetts:** I quite appreciate the minister's position, and while he might feel compelled to answer immediately, I just want everybody to know that I am quite content to give the minister the opportunity to gather the facts and come back on another occasion and do it properly.

I am not expecting the minister to deal with it at this very minute. I just want him to understand that. Possibly Wednesday.

**The Deputy Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Boddén:** I would prefer to have a bit of time, the questions are fairly serious and diverse.

**The Deputy Speaker:** As I understand it, the honourable minister is undertaking to reply at the next available opportunity, on Wednesday when the House resumes. Thank you.

Before I put the question on the adjournment, I would honestly like to thank all honourable members for the time we have spent today in the Chamber dealing with the country's business. It has made my job easier, and I appreciate it very much.

The question is that this Honourable House do now adjourn until 10.00 AM Wednesday, 15 March. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AT 4.44 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 15 MARCH 2000.**





**EDITED  
WEDNESDAY  
15 MARCH 2000  
10.12 AM**

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

*[Prayers read by the Second Elected Member for Bodden Town]*

**The Deputy Speaker:** Please be seated. Proceedings are resumed. The first item of business, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Deputy Speaker:** I have apologies from the Honourable Speaker who has been discharged from the hospital. I spoke to him yesterday afternoon. He is quite eager to come back to the Legislative Assembly, and while he is a lot better, he is not one hundred percent so he should be with us next week. I would ask all members to remember the Honourable Speaker in their prayers.

I have apologies from the Fourth Elected Member for West Bay who is not well. The Honourable Second Official Member, the Honourable Third Official Member, and the Honourable Minister for Agriculture, Communication, Environment and Natural Resources will be arriving later.

Government Business, Continuation of the debate on the Throne Speech delivered by His Excellency the Governor. The Honourable Minister for Tourism, Commerce, Transport and Works continuing.

**GOVERNMENT BUSINESS**

**DEBATE ON THE THRONE SPEECH DELIVERED BY  
HIS EXCELLENCY MR. PETER J SMITH, CBE,  
GOVERNOR OF THE CAYMAN ISLANDS,  
ON FRIDAY, 18 FEBRUARY 2000**

*(Continuation of debate thereon)*

**Hon. Thomas C. Jefferson:** Thank you, Madam Speaker.

Monday afternoon towards the end of my contribution, I promised that today I would tell the people of these islands and Members of the Legislative Assembly what the people got for the money that we spent. However, I realise that time is running short. I understand I have thirty-nine minutes this morning, so I am going to defer on that promise to another day.

I want to come now to the subject of tourism and I want to begin by talking about visitor arrivals. Sometimes when you are in the driver's seat so to speak, when you are the Minister of a particular subject, you sometimes

have to take decisions that are not always popular. But when I look at what has been happening over the last seven years, let's say, from the end of 1992 until now, I look specifically at some points where the people of this country, and the construction industry in particular, were in a state of doldrums. When we took office in 1992, it took us some time to begin to get it moving.

One of the main stimulants to that construction industry was the beginning and the encouragement by the ministry to the developer who built the Westin Hotel. This happened and they opened in December 1995 with quite a substantial number of rooms, over 300. We cut a lot of flack for it, but let me ask one question: What would have happened in this country if the Westin developer was not encouraged to build those 300-plus rooms and we arrived in the summer of 1998 when we lost the Holiday Inn with 215 and we lost the Grand Pavilion with another 85 rooms? What would have happened to this country? And I ask, is this not good management of the tourism industry?

Leadership requires foresight and to stand strong when you believe that what you are doing is in the best interest of the people of Cayman. Some even spread the malicious rumour that I was an owner of the Westin. Madam Speaker, Members of this Parliament and members of the Caymanian community, I have no personal interest or ownership in the Westin. My only interest is to ensure that we have accommodation in the Cayman Islands so that visitors can find good quality service to be delivered to them and that the people within the Cayman Islands can find work. And the funds that are spent in this country by those visitors trickle through the economy.

In recent time, the ministry encouraged facilities that have either opened or have begun the construction of hotels. The Hyatt Suites on the beach (which was opened a little over a year ago with 55 suites), the Comfort Suites (110 rooms opened around Valentine's Day of this year), and the Grand Caymanian Beach Club and Resort (196 suites) I suspect will be opened shortly. The Holiday Inn with 200-plus rooms is scheduled to open in October 2000. What has the country gained from all this activity? Millions and millions of dollars of construction income in Cayman and, in addition, during this period of management of tourism we have earned billions—not millions!

When we look at the air arrivals (and let's start with 1993), we attracted over 287,000 visitors who arrived by air. In 1994, the number rose to over 341,000 and by 1995 that same type of visitor rose in number to 361,000. By 1996, it reached 373,000. In 1997, it was 381,000 that visited Cayman Islands by air, and at the end of

1998, 404,000 people. At the end of 1999, 394,000—almost 396,000 people.

It is not the number of people that we are focusing on, it's the number of yield, it's the number who spend that a cruise in the Cayman Islands . . . Let's just track it. The figures that I am going to quote are figures that are commuted by the Economic and Statistics Department of the Government.

- ◆ In 1993, the spending of persons who arrived by air was in excess of CI\$200 million. The exact figures—\$203 million.
- ◆ By 1994, the income was \$253 million.
- ◆ In 1995, \$283 million.
- ◆ When we reached 1996, visitors who arrived by air during that year spent \$300 million in this country.
- ◆ In 1997, the spending was \$411 million by visitors who came in by air.
- ◆ In 1998, it was \$442 million.
- ◆ In 1999, it was \$431 million.

That's why I said during the period of 1993 to 1999, the management of the tourism industry was able to cause a spending in this country of over CI\$2.6 billion. We haven't started talking about cruise ship passengers as yet and what they spend.

The ministry has developed since 1992 a good working relationship with senior officers of the cruise line, which has earned this country in that period, 1993 - 1999, millions of dollars according to the Economic and Statistics Department commutations.

- ◆ In 1993, 545,000 cruise ship passengers landed in the Cayman Islands.
- ◆ In 1994, the number was 539,000.
- ◆ In 1995, it was 615,000.
- ◆ In 1996, it was 720,000.
- ◆ In 1997, it was 780,000.
- ◆ In 1998, it was 784,000.
- ◆ In 1999, it was 932,000 came to the Cayman Islands.

Now, what does that mean? Does it just mean that people are walking all around Cayman Islands or are we getting something for it?

- ◆ The spending in 1993 was \$23 million.
- ◆ In 1994, it was \$26 million. And we know, Madam Speaker, that some of these passengers don't stay more than about four hours on the island, although the cruise ship in some cases, stay from about 8.00 a.m. until 4.00 p.m. or 5.00 p.m.
- ◆ In 1995, \$31 million.
- ◆ In 1996, \$39 million.
- ◆ In 1997, \$47 million.
- ◆ In 1998, \$60 million, and in 1999, \$63 million.

In summary, what has the ministry and its staff who are doing promotions around the world earned for the Cayman Islands? What is the spending in the Cayman

Islands of that work in the years 1993 - 1999? The Economic and Statistics Department says the spending for air arrivals was CI\$2.6 billion. In terms of cruise ships passengers, \$300 million for cruise tourism.

When we think of these numbers, Madam Speaker, this expenditure takes place in hotels, restaurants, water sports, taxis, condos, duty free stores and supermarkets to name some.

What has the Ministry of Tourism done about airlift, which is one of the keys to getting passengers to the Cayman Islands? How are they coming? What are you doing to assist them in coming to the Cayman Islands? In 1994, we took a major European tour. We did promotions in two cities in Frankfurt, and Munich, Germany. We did a promotion in Vienna, Austria. We did two promotions in Italy—Milan and Rome. We decided that passengers wishing to come to the Cayman Islands leaving some city in Europe travelling to Miami (and at that time there were a few tourists murdered in Miami. It was totally unattractive to pass through that city.), we took the view then that we would carry out some work.

Sometimes you have to spend some money to earn some—in the majority of cases that's true. So, we utilised someone who was familiar with the airline industry and as a result of that work we received on 9 December 1994 the first direct flight from Gatwick, England—a DC10 Caledonia Airline. By March of the following year, British Airways decided that the arrangement was so attractive rather than having a chartered flight once a week, they would establish scheduled services to the Cayman Islands twice a week. We encouraged that and we did a special promotion in different cities in England as well as in Scotland to assist that process.

What have we done in the North American continent? It wasn't more than two years ago that we were able to attract Delta to come into the Cayman Islands direct from Atlanta. They actually arrived on 7 December 1997. To the best of my collection, the aircraft was a 757 and they have been flying daily ever since. My understanding is that their load factor is generally 80 percent. What surprises me about that particular flight is that during the process of discussion and understanding about Delta, one statistic sort of floored me one morning when the Delta representative said, "We have sufficient connections out of Atlanta to make sure that this flight works. When we take this decision we are looking to the long-term, we are not looking to come in for one year because we have 614 flights arriving in Atlanta that can connect to your flight going to the Cayman Islands." That's a lot of planes and that's why they have been so successful over the last two years.

Now, we know that when we lost Holiday Inn with 215 rooms (which has been operating in the Cayman Islands since 1972) many people had established a patronage to it. Whether they came for their honeymoon and came back religiously to celebrate their anniversary or whatever the attraction may be, the marketplace was going to suffer to some extent. When in approximately three months time we lost the Clarion Hotel with a similar kind of marketing ability, manpower, finances, promo-

tions, they were tied in with wholesalers and travel agents, we lost a significant player in the Cayman Islands tourism industry.

So, when you pass by the summer and you lose these two hotels and you come now to January of 1999, the winter, which is your peak season, you have lost not only 600 rooms, but you have also lost the combined marketing of the Holiday Inn and the Clarion of the Cayman Islands. It's bound to have some effect on your business—and it did. If we graph the arrivals on a monthly basis (the graph of the visitors who arrive by air), we know that peak season—January to mid-April (sometimes the later part of April as will be this year because Easter falls on the 21<sup>st</sup>)—if we fall short in that period of time catch-up is difficult to do. But we ended up with a reasonable number at the end of the year.

We had a series of reasons. We had the Y2K that everybody is beginning to relax about now but were frightened to death in the summer of last year as it affected everyone including me. I decided I wasn't flying either. Many of the senior people in organisations in the United States were told by the boss, *'You stay home until this matter is cleared.'* That had a significant effect on the travel into the Cayman Islands in December last year and January of this year. Not only the Cayman Islands, it affected everybody—Las Vegas, Disney World, cruise ships and any destination you want to name. So, we are all in the same downturn.

I think to some extent we even saw the airlines pull back on their schedules, because there were no demands for the number of planes and the number of seats available.

In January of this year, we saw the effect of it as well. We saw the reduction in the number of people who were travelling, but we have been working. We have been doing our promotions and we have been looking at our marketing strategy. We have been fine-tuning our integrated marketing system that we are moving on to. In February of this year, we are up over 5.1% over last year. In February, the United States (which is a major player with visitors) was up in excess of 6.2% over February 1999.

Now, there are a lot of factors we are playing with here. There is a lot of fierce competition in the marketplace—airfares being one of them. Direct flights out of New York to different islands to the Caribbean other than the Cayman Islands . . . we are working on that one too. I pray to my God that we are successful in that area because I believe when you are trying to attract persons, from New York in particular (metropolitan New York), direct flights are what they want. If we are unable to produce it then obviously we are not going to be as successful in having them come through Miami. It is not going to be as attractive as it would be on a direct flight.

So, we are very hopeful and we are diligently working to ensure that we deal with the marketplace and tie our advertising and our public relations and our promotions in the field altogether so that we are working as one. We have one objective, one goal, and we are sing-

ing one song so that the consumer is not confused about what is the position of the Cayman Islands.

Madam Speaker, in moving on to this integrated marketing system that I briefly referred to, where we tie all the pieces together and we utilise our websites (be it the general website of the Department of Tourism or the additional specific website which deals with the diving world), in dealing with the movement towards integrated marketing, the ministry issued a document that had a series of objectives for the Department of Tourism. One of those objectives is that the marketing within the United States should be done in conjunction with the Director of Sales and Marketing.

If we are going to have a situation where we in the Cayman Islands try to decide what is attractive in California, Chicago, or some other part of United States, then really we don't need those people up there. But having lived in the United States, going to school and working in excess of thirteen years, I believe I understand a little bit about that country, at least the cities that I came in contact with and lived in. I believe that what is being done by the ministry is in keeping with the movement towards an integrated marketing system. And it's correct to have any fine tuning of the advertising, the public relations, or any other kind of radio or print material done by a group. That group involves the advertising agency, the Director of Sales and Marketing in the United States, the Department of Tourism's representatives and they sit down together and agree. Those objectives are still in place and we expect to follow through with that methodology.

Just recently, we had a discussion with the Director of Sales and Marketing in United States (and this applies to Canada and the UK), and with the Director of Tourism, the Permanent Secretary and I, with a view to ensuring that we have a total understanding about what the objectives say and the direction the ministry wishes all of us to take. If you have professional people, it would be wise to utilise them properly and efficiently for the benefit of the people of the Cayman Islands.

I know that sometimes people focus on the amount of money that tourism has in its budget—\$23 million. When you take into account the figures that I have been quoting year by year, I will spend \$23 million any day or any year if the country can earn \$300 to \$500 million. I think as a businessman, as a former Financial Secretary, as somebody who knows something about finance and cost benefit analysis. I believe that is a good investment.

I think when I look at what has actually happened in tourism, I have to say I am proud to have been the Minister of Tourism in this country. I am proud to have worked with people who represent this country around the world—some who have been with us in excess of 20 years. Yes, just like any organisation you are going to have trials, challenges, and opportunities. And you have to address it in that way. I am about building. I am about making money for this country. I am about building this country. I am about building this organisation. I am about helping children who are in need. I am about helping

senior citizens who are in need, and I am about fiscal management of the Government.

I want to now try to summarise what I have said so far, Madam Speaker. I have every intention of ensuring to the best of my ability that Caymanians in this country get fair play, be it in the Government or the private sector, we must provide that support. We cannot have young people who make sacrifices, go off the island to some university (normally in the United States, but sometimes elsewhere) and come back with the proper qualifications but do not get an opportunity to rise based on their knowledge, expertise, and their performance. I think its time to stop that wherever it's happening.

I want to give thanks to our forefathers, the churches, the Justices of the Peace, the Vestrymen, the Members of the Legislature, former and serving civil servants, the Veterans and members of the Home Guard, the former Seamen and community leaders for their dedication to building a country that is envied around the world. Not just the fifth largest financial centre in the world, but the quality of life that prevails in the Cayman Islands. I have visited many countries in my lifetime and I could be biased, but I haven't found one place that I love more than I love the Cayman Islands. I haven't found one place that I could evaluate and say it's equal to the Cayman Islands. That is the reason why when people come to the Cayman Islands they don't want to leave—to be honest, they really don't want to leave. You get treated like a person not just some number floating around the road or the street or the hallway of a building.

The Cayman Islands stand for Christian values. It has the formula for love and friendliness. It deserves a leaf in the Holy Word commanding us to love another, that we are our brother's keeper, that we should honour our father and mother and that we should live an honest, moral and God-fearing life if we are to live pleasing to Him. This morning, Madam Speaker, when I was rising from my bed at 5.00 a.m., a word of scripture just came to me, Exodus 20:12, it says, "Honour thy father and thy mother." Now, when you think of the youth of our country—the leaders of tomorrow—I want to know how are we preparing them. It was that thought process that was going through me when I got this scripture, which says, "Honour thy father and thy mother: that thy days may be long upon the land which the Lord thy God giveth thee."

What a cure it would be if all young people who are misbehaving would listen to the good counsel of their mother and father who love them. And fathers are to heed the words of 1 Timothy 3:4, "He must manage his own family well and see that his children obey him with proper respect." If we had that operating in this country, like we did when we were growing up to that level, not to say it is not happening, we would have a much more peaceful environment today.

I want to remind all in my summary that the social harmony in this country (and some people say, *'well, it's not like it used to be'*—that's true) was assisted by that fair and reasonable approach that Caymanians must be assisted to rise in the promotional ranks. We hear some-

times today that that this is not always true in the private sector and it may not even be true in the Government in some places. I think we have to come to grips with it. If they are going to be leaders of tomorrow, we have to expose them to get the experience to lead. And leading means leading by example in my view.

But if you shove them in some corner and don't give them the experience of being in discussions, understanding negotiations, understanding where on the career ladder they are eligible to move, then it is no wonder there are so many complaints.

This country is in good financial shape. The economy is healthy, it is buoyant. The financial resources of this country are in good shape. But there are some serious issues outside this country as well that we need to pay close attention to. Members of this House (and of the public I am sure) have been listening to any information they can get about the OECD and the European Union. Where is that moving? Where are they headed with it? Talks with the United Kingdom and the United States of America are very serious issues that need skill, experience, tolerance and understanding in order to make sure that the Cayman Islands is not only well represented but is foremost in the minds of those who are representing this country. Where will it be in the long-term? Where will the Cayman Islands be in 10 to 15 years' time?

As they say, *you have to walk the walk in order to be able to be in that position and talk the talk*. Even a child at 3 or 4 years old can give you a lot of advice.

The Ministry was indeed pleased to reach an agreement with Jean Michele Cousteau to be the spokesperson for scuba diving in this country. One only has to be at any promotion of a scuba diving nature, Dive Equipment Marketing Association (DEMA), the largest dive show in the world, to see his influence and how much he is respected to understand the potential of his representing the Cayman Islands and being the proper spokesperson for this country.

I want to underscore the point, Madam Speaker, that the Dalmain Ebanks Civic Centre/Hurricane Shelter will get started this year. Funds are in the budget. The determination is there to get it done. It needs planning approval, of course, and we should be asking for that shortly.

**The Deputy Speaker:** Honourable Minister, I have allowed you five minutes over your four hours. I would like if you could conclude your allotted four hours under the Standing Order.

**Hon. Thomas C. Jefferson:** Madam Speaker, I am pleased with your generosity. I want to just say how thankful I am for the way in which you have tolerated a lot of what I have said; but, most importantly, the way in which you are ensuring that the decorum of this House is maintained at its highest level. I thank you most sincerely.

**The Deputy Speaker:** Before I ask if anyone would like to speak on the Throne Speech, when we adjourned on Monday, under Standing Order 11(6) the First Elected Member for George Town raised some questions on the Cayman Islands. The Honourable Minister promised to answer those this morning, and he has indicated to me that he is a position to do so now. So, if the House is in agreement I will take the statement from the Honourable Minister at this time and then continue the debate.

I would like to state that at the end of the statement (and I hope the Honourable Minister can agree with me because I feel this matter is of such importance nationally, and I am sure the Honourable Minister does also) I will use the discretion of this Chair to allow a few questions from members.

Is it the wish of the House that we take the statement from the Honourable Minister at this time? Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it. The Honourable Minister responsible for Education, Aviation and Planning.

## **RAISING OF MATTERS FOR WHICH GOVERNMENT HAS RESPONSIBILITY**

*(Standing Order 11(6))*

### **DISRUPTION OF FIGHT SCHEDULE OF CAYMAN AIRWAYS LIMITED**

### **GOVERNMENT'S REPLY THERETO**

**Hon. Truman M. Bodden:** Thank you, Madam Speaker. This is a statement in response to the questions raised by the First Elected Member for George Town at the end of the day on Monday, March 13, 2000.

Safety is Cayman Airways first and most important consideration. There is no doubt that Cayman Airways has experienced significant problems this past weekend and, as a result, has inconvenienced hundreds of people, and for this I apologise.

Unfortunately, the new aircraft purchased by Cayman Airways to improve its schedule, its product delivery and its customer service, has taken longer than anticipated to get into service. At the same time, another one of Cayman Airways' aircraft is currently out for its routine C-check maintenance. All extensions to the C-check have been fully utilised.

In the past, Cayman Airways more often than not has been able to arrange sub-leasing coverage. However, sub-service availability for the last six months has been drying up. The only sub-service available to the airline was First Air out of Canada, who unfortunately was only able to provide one crew with their aircraft. While the First Air option with only one crew provided limited utilisation of the their aircraft, management felt that this was better than nothing.

Cayman Airways continues to hope that First Air will be able to provide an additional crew. Both the new aircraft, VPCYB (that's its registration number) and the airline's first aircraft, VPCAL, are expected to return to service towards the end of the month or at the latest by the first week of April. This past weekend, CKX (that's the second plane that we purchased) experienced a flight control problem and was grounded in Tampa.

The situation was resolved on Monday evening and the aeroplane is now operating. Please note that the mechanical repair was unrelated to the recent C-check that VPCCKX underwent.

During the period that CKX was out of service, Cayman Airways was unable to arrange for any sub-service on Saturday and Sunday, with the exception of one Houston flight Sunday evening, which was operated by Continental Airlines. On Monday evening, the national carrier arranged for Air Jamaica to operate a Kingston/Grand Cayman/Miami/Grand Cayman roundtrip and Miami frequency, as well as a Houston trip for early Tuesday morning. Lore Air[?] was also contracted by Cayman Airways to operate two trips between Tampa and Cayman. CKX operated the Orlando route once it returned to service. As of noon Tuesday, no further passengers were stranded.

With regards to the Member's questions, Cayman Airways response is as follows:

1. Management extended the checks on the jets, VPCAL and VPCCKX and all possible extensions were utilised with the expectation that the new third aircraft would be brought into service in advance of the required checks. Management could not predict the difficulties at Boeing Aircraft Corporation, which delayed the completion and engineering work for the new aircraft, or the truck strike in Florida, which continues to delay the arrival of the new seats.
2. First Air was the only sub-service operator available that could provide weekend coverage. Management felt it was better to have an aircraft with one crew rather than nothing. First Air continues to seek an additional crew for their sub-service operation.
3. The aircraft delays and the cost of sub-service coupled with the impact of the service problems will have a significant impact on the carrier's financial and cash position. Management remains optimistic that with its new schedule incorporating the third aircraft and its passenger and cargo product improvements, the national carrier's financial viability will improve.
4. Some members of the board recently met with approximately 50 employees. Their issues have been brought to the board and the executive management's attention and are currently under review.
5. In terms of Cayman Airways equipment, there is no doubt that new aircraft will potentially improve the carrier's customer service levels but at a cost that neither the airline nor the Cayman Islands can afford. To obtain new aircraft, leasing three new aircraft would add approximately \$6 million per annum to the carrier's expense with very little offset to fuel or maintenance cost.

In 1991, CAL sold two 727-200 jets which were being purchased in the one year that Cayman Airways made a US\$1 million profit. Today, the cost to purchase one 737-600 is approximately US\$40 million compared to US\$10 million to purchase a 737-200, similar to what the airline currently operates.

In 1991, CAL had three new Boeings: 737-400, one 737-300 and one 737-200, and had losses of nearly \$15 million per annum and contingent liabilities of US dollars \$107 million. This nearly bankrupted the Cayman Islands. I will not change the 737-200s, one which is nearly paid for, and the other two which are being purchased.

6. Cayman Airways is very hopeful that with the return of the first aircraft, VPCAL and the third aircraft, VPCYB, will be able to offer improved reliability with the new schedule. With the introduction of business class, improved seat pitch and a regular freight schedule coupled with an increased focus on quality consumer service delivery, the airline can reposition itself as an airline that Caymans can be proud of.

The management of Cayman Airways believes that they are making progress. There is no question that this process involves change, which is creating a level of anxiety and resistance within the company. The Cayman Airways Executive Team is unified in their undertaking to improve the airline's financial viability. They believe that their plan is working and their efforts need to be supported to move the national carrier forward. Change is difficult, uncomfortable but as we will all agree necessary.

In this difficult period, and especially within the next few weeks, the teamwork of Cayman Airways staff, the support of the Members of this Honourable House and the support of the public are all equally necessary to move Cayman Airways, our national carrier forward. Thank you.

**The Deputy Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I wish to ask the Minister what steps have been put in place to limit the damage control to try to regain the confidence of the loyal customers and travelling public who are depending on Cayman Airways to serve their travelling needs?

**The Deputy Speaker:** The Honourable Minister responsible for Aviation.

**Hon. Truman M. Bodden:** I would refer the honourable member to paragraph six on page 4, which I think is in reply to a question that is similar to that.

Firstly, Madam Speaker, getting the three aircraft back and operational is important. Once that is done and the new schedule comes into effect, we will have much better times within the new schedule.

The new schedule we hope will come into operation on 1 May and it will add close to 40% [more] flights, many of which are better times. Also, the improvement of the seat pitch, the putting in of the business class seats,

which we still don't have the seats because of the truckers strike in Florida, the provision of the regular freighter schedule, but also the capacity of the new aircraft to lift excessive luggage that at times cannot be carried when the plane is full.

We have also focused heavily on customer service. At the end of the day, the airline when it comes to competition it is mainly the service that we give. There has been considerably increased training in this area, in fact, there is nearly continuous training going on. We have hired a Caymanian human resource person who is now dealing with improvements not only to the training of staff but also assisting in ensuring that staff is being placed properly.

Also, these three jets have been through servicing. They will come out looking considerably better and the overall look of the jets, both inside and out, will be improved. We also have a united management team, which for the first time in a long time is pulling together as a team. The teamwork in Cayman Airways is so important because sometimes only one person who either doesn't pull his weight or doesn't perform for whatever reason can break the long chain of service that the airline provides, whether that person is in maintenance, sales, or just checking in people at the airport at times. Each of the many departments of Cayman Airways only functions if others within it function.

This has been what I have found (from an analytical point of view) one of the most difficult things with the airline business. So many specialised people within the chain have to all function together and perform or others cannot perform. I believe that our new human resources person together with the improved communication, which is very important, will develop and move forward Cayman Airways as a team.

**The Deputy Speaker:** The Third Elected Member for the district of Bodden Town.

**Mr. Roy Bodden:** Madam Speaker, this is my final question. I listened intently yesterday to *Talk Today* and I noticed the Editorial. From what I have gleaned from patrons who were inconvenienced over the weekend, a grave problem had been the lack—or absence—of any communication on the part of Cayman Airways personnel who should have been in position to apprise the passengers as to what was happening.

Can the Minister say what steps have been put in place to improve the communications so that in the event of future inconveniences, passengers are properly informed as to what they may reasonably be made to expect?

**The Deputy Speaker:** The Honourable Minister responsible for Aviation.

**Hon. Truman M. Bodden:** Madam Speaker, the Operations General Manager has informed that there is a clear procedure within the manual. I should say, Madam Speaker, obviously in an airline there is a manual on

most things. The staff should be informing the passengers on a regular basis with as up-to-date information as they have.

Now, I have also heard what the honourable member said, and I heard that separate as well. We have requested that the weekend—which was probably the worst position at least in the last seven years I have known Cayman Airways to have—that it be analysed and find out where the shortcomings are. We then provide the training or the assistance or whatever is necessary to correct the shortcomings in that and to ensure that customers are kept up-to-date.

Nothing is more annoying than being told something, which afterwards you realise could not have been correct. It's so important to be up-to-date and to be honest with what's said. I take note of that and I will go back and ask . . . or I have already asked, but I will get analysis of it and see exactly what has gone wrong.

Once again, Madam Speaker, I apologise to the public for the inconvenience.

**The Deputy Speaker:** The First Elected Member for the district of George Town.

**Mr. D. Kurt Tibbetts:** Madam Speaker, in the area of the airline's financial position (the questions may be a little bit premature but I think right now they are as important as any other area), I would like to know if there are any recent figures that display what it is costing the airline for sub-service over any specific periods of time. I would like to know, Madam Speaker. It's a series of them, and I am not so sure whether I should off-load all of them or whether I should go one by one, which would the Minister prefer? Do want all of them at one time?

**Hon. Truman M. Bodden:** *[Inaudible comment]*

**Mr. D. Kurt Tibbetts:** One at a time? Okay.

**The Deputy Speaker:** The Honourable Minister responsible for Aviation.

**Hon. Truman M. Bodden:** Madam Speaker, the airline business is complex enough trying to take one problem at a time. I did actually reply in a question that was sent out. I don't have that with me, but I thought I had sent it out. If the honourable member would ask the other question, let's see if I could find . . . I can give the honourable member last year's figures I think.

**The Deputy Speaker:** The First Elected Member for the district of George Town.

**Mr. D. Kurt Tibbetts:** Madam Speaker, there are huge concerns both within the confines of this Legislative Assembly and outside with regard to Cayman Airways being able to survive financially—not just what has happened in the past weekend but perhaps that has raised the concern to a higher level. Would the Minister give us

some type of indication with regard to Cayman Airways' cash flow?

I don't need exact figures. I want to find out if the cash flow that Cayman Airways is experiencing with regard to its passengers compared to what its ongoing not only recurrent but incidental expenditures . . . what type of position does it put the airline in now? I am not talking previous and I am not talking projected for future, I am asking where does it stand now? What does it do?

**The Deputy Speaker:** The Honourable Minister responsible for Aviation.

**Hon. Truman M. Bodden:** I have the figures to the first question. In 1999, Cayman Airways expenses associated with sub-services were as follows: Passenger \$542,000; Cargo \$1,182,000; Total \$1,674,000 *[sic]* (US \$1,724,000).

The \$542,000 of passenger sub-service cost is associated with the regular operations, maintenance out of service as well as the planned out of service time for the hush-kit conversion, which is a one-off expense as the honourable member knows. Passenger sub-service costs vary between \$2,800 to \$3,200 an hour of the operation plus an out of pocket expense for accommodation and per diem for the cruise to the jet. That amount excludes the cost associated with any additional fuel cost as well as increased landing and navigation fees if we operate larger aircraft, which we occasionally do.

Madam Speaker, on the second question, money is always tight in Cayman Airways. The only reference I will say to the past is that, thank God, in the last seven years we have not had bounced checks. And I have not had to come back to this honourable House yet to ask beyond the \$4 million that was a subsidy in 1992 and has continued steady, or the \$600,000 to \$700,000 as given for the advertising aspect.

However, as a banker, I have asked the accountant to please ensure that we do not wait until we are into a position, which Cayman Airways has seen so many times, where we are really strapped and cash is needed. But, yes, with this sub-service it has put considerable pressure on our cash flow and the checks as well. Maybe I need to just mention this: The cost of what we are doing with the third jet basically covers the major D-check of that jet and basically brings her air-frame, parts engines, ancillary power unit, the whole lot literally back to zero. She comes out basically as new a plane.

The hush-kiting of the jet engines . . . and we have also gone ahead and hush-kitted the spare engine that we have. That, together with the C-checks on these other two jets, has taken obviously quite a bit of cash to do. The accountant, unfortunately, is on vacation and will be back shortly. I may be in a better position at that stage to update the honourable member, which I am happy to do from time to time.

**The Deputy Speaker:** The First Elected Member for the district of George Town.

**Mr. D. Kurt Tibbetts:** I would strongly encourage the Member to do what he has just said because, needless to say, many of us have great concerns for the airline and its survival not based from a political stance. It is important the minister understands that.

Now, the minister has just said that the accountant is unfortunately on vacation. Perhaps, he is not in a position to give us any figures. But, certainly, regardless of whether the accountant is on vacation or not, the management must have a pretty good indication of what the costs are going to be, the financial position of the airline at present, and whether the airline is in a position to sustain itself given bills that will be coming in. That's what I am trying to determine for the same reasons that the minister just said, rather than wait until the airline is in a position and then you come when there is a war. That's why I am asking the question.

**The Deputy Speaker:** The Honourable Minister responsible for Aviation.

**Hon. Truman M. Boddén:** Madam Speaker, I agree with the statement the honourable member has made and I keep as up-to-date as I can. As the honourable member knows, I try meeting with either the Managing Director and/or members of the management team every week or whenever is necessary. While I guess I should say the concern of cash has always been a major concern to Cayman Airways, the cash flow is seasonal. It can be interrupted with sub-service and payments that are not really expected such as at present.

I guess I should just add one thing, Madam Speaker. While we are spending a lot of money on the jets now, this increases their value. Obviously an engine that has zero hours or an air-frame like on the new jet which can go for probably seven or eight years without another D-check is a lot more valuable than one that may be one or two years away from a D-check.

So, I think there is long-term planning. But as the member knows, long-term planning costs at times in the short run for savings that will be made further down. At least, we are close to seeing the purchase and the paying off of the loan for the first aircraft which should have value (which I know I have laid here before) in the area of US\$10,000. So, that is one achievement that we are coming close to paying for the first one.

*[Inaudible comment]*

**Hon. Truman M. Boddén:** I thought I had. I will just leave it at that.

**The Deputy Speaker:** The First Elected Member for the district of George Town.

**Mr. D. Kurt Tibbetts:** Madam Speaker, perhaps I was not very clear. I was asking the minister, understanding the accountant was away . . . if the minister wants many opportunities to say what he wants to say I don't have any problems with that this morning. No arguments on

that. But will he please concentrate on what is being asked?

I have asked him even though he doesn't have exact figures to give some type of indication because management must have an idea of whether the airline is going to be able to deal with the debts that have been incurred considering its present cash flow. That's what I asked.

**Hon. Truman M. Boddén:** Madam Speaker, the answer is yes.

**The Deputy Speaker:** The First Elected Member for the district of George Town.

**Mr. D. Kurt Tibbetts:** Madam Speaker, I sense, perhaps, while we have not quite completed this exercise that we may wish to take a very short break because some of us need to do a few things.

**The Deputy Speaker:** The First Elected Member for George Town, I appreciate your consideration, in using the discretion of this Chair I was going to allow exactly thirty minutes for questions and we have eight minutes left. I would rather conclude this item before we take the morning break.

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Fine. I want to ask the minister, while in his number 4 answer he has addressed to a degree the issue of staff, he said, "Some members of the Board recently met with approximately 50 employees. Their issues have been brought to the Board and executive management's attention and are currently under review."

Now, I have not had the opportunity to have any lengthy discussions with members of staff in recent times simply because the opportunities have not arisen. But I sense that the situation with staff morale is more wide spread possibly than is being perceived. Not knowing the position of the board, the minister, or the management with these problems, I want to find out if (because perception becomes reality on a lot of occasions and people have things in their minds, which if opportunities are created can be cleared away with the facts rather than to allow rumours to abound and for marl road to feed itself) there are any opportunities being created to allow for open and candid discussions so that everyone knows what the frustrations are and everybody knows on both sides of the coin what management and the employees have to deal with?

You get a lot of factions involved and people take certain positions based on personalities. That in itself can create havoc. What is being done with regard to those areas?

**The Deputy Speaker:** The Honourable Minister responsible for Aviation.



**Hon. Truman M. Bodden:** The member is quite right in what he said that there are factions within every organisation and Cayman Airways has because as I mentioned earlier, every link in the chain has to perform. Disruption within just one of whatever numbers of links or departments (one of six or seven) can cause a full airline to suffer. I must say that there is also airline politics involved at times.

Yesterday, I was fortunate that I was able to spend nearly six hours in meetings on Cayman Airways. I say fortunate because normally we have a lot of other meetings scheduled for Tuesdays when we are out the Legislature. This afternoon, the Chairman, the Board of Directors, the Management Team and I will be meeting with all of the staff to hear what they wish to say and to consider those matters they raised.

We realise that there are problems there. Some of the problems are probably simple and can be fixed. Communication is most important to ensure that people have a right to air their views, and also to be able to seek solutions for problems that are there. The one thing my father taught me was to listen to everyone. Many times just hearing what the problems are can go a long way towards a solution because the people with problems know what the solution is and they can pass it on as a matter of weighing that advice. That would be really up to the management and the board to do.

As the member knows, we did have these full meetings in the past. I hope that this will be a constructive one and that it will achieve what he mentioned a bit earlier.

**The Deputy Speaker:** This will be the last question. The First Elected Member for the district of George Town.

**Mr. D. Kurt Tibbetts:** Madam Speaker, perhaps with your indulgence it will be both a question and a comment since it is the last.

In the very last paragraph of the Minister's statement, he said, "In this difficult period and especially within the next few weeks, the teamwork of CAL staff, the support of the members of this honourable House and the support of the public are all equally necessary to move CAL, our national carrier, forward."

I want to say that whether I wear the hat of a Member of this Honourable House or whether I am member of the public (and I consider myself an average individual) it is going to be very important for Cayman Airways to make not just an effort but an incredible effort to ensure that the country knows where it is going. No longer can it be a situation where all you hear are rumours about what is happening with the airline, what is happening with one of the planes, why it is grounded and where it is doing this and that. It is obvious from the type of situation that obtains at present, the airline finds itself on many occasions in untenable circumstances. There has to be a way forward with the airline where everyone knows what is happening.

Everyone will understand when you have unforeseen circumstances that crop up, like what happened in Tampa. It is not a question that people are not able to

understand . . . I don't want to rehash things again, but using that as an example, if people understand exactly what the airline is going through they are more apt to be willing to support the airline.

All I am saying is that the net result with me being there to know what has transpired and the reasoning behind certain things happening . . . it hasn't appeared. It hasn't come across to the public in that fashion. The public has a feeling that people try to hide things. I am not suggesting (because I don't know if that is true or not) that, but I am saying that is the impression the public gets. And the moment anyone, whether it is an individual or a group of people, becomes suspicious it calls for bad end results no matter what it is. I speak from experience when I say that.

I don't suggest to be a philosopher or anything like that, but I am certain there is relevance to the point I have just made.

The reason why I asked the question about the financial position of the airline again, is to make sure that we avoid a political confrontation in that area because that is where it will happen more likely than anywhere else.

The other thing I would like to say before I finish is I believe that regardless of what has happened in the past it is worthy for management through the minister or my whatever method to be willing to periodically update this legislature on Cayman Airways on the progress and/or the position of Cayman Airways. I don't want us to argue about what happened in the past and what meetings didn't occur that were supposed to occur. I am saying that if this is done on a regular basis, quarterly or however, where we can ask our questions, we can be clear with the facts that when people on the road ask us questions we don't become part and parcel of the problem. And that is what has been happening. We seek solutions, we seek answers, we are not trying to be management and we are not trying to be the board, but we too have a responsibility. So, I just would like for that to be borne in mind from here on in whenever we are dealing with any issues with Cayman Airways. Thank you.

**The Deputy Speaker:** The Honourable Minister for Aviation.

**Hon. Truman M. Bodden:** Thank you, Madam Speaker.

The member is quite right. Communication with the public, with staff, with everyone and members of this House is most important. I fully accept that.

Within the last few days we have been putting out on the average two press releases a day. I think today there should have come out an advertisement trying to explain this. I believe that you cannot repeat too much the facts of situations like this.

The second point is that, yes, I am happy to have meetings on Cayman Airways, bring the relevant members down . . . I am not going to go into past either because I don't think that's relevant. We have to try to look forward and I will try to do that again in the near future. I also have the audited accounts of the year before that I

will be able to lay on the Table of this Honourable House and to let members have that.

I also have the major accomplishments for 1998 and 1999. I could just briefly give the public that—

*[Inaudible comment]*

**Hon. Truman M. Bodden:** This is in a very brief form, Madam Speaker.

We assessed Cayman Airways, established turn-around (of the jet, that is), strategies and priorities.

- ◆ We improved the 1998 financial results.
- ◆ Acquired the third aircraft, which is a freight and passenger.
- ◆ Introduction and development of an executive management team.
- ◆ Developing a strong organisation based on teamwork and accountability.
- ◆ Established corporate values and beliefs.
- ◆ The improvements, financial and commercial management information.
- ◆ Scheduled development process.
- ◆ Communication, both internal and external.
- ◆ Financial return from ground handling services has been increased.
- ◆ Increased and improved the 1999 market share.
- ◆ Improved local travel agents in consumer support.

This is very important to CAL. We have to not just have the public but the local travel agency support with us.

- ◆ Implemented a pre-Christmas scheduled cargo service and preliminary framework for an enhanced product.
- ◆ Introduced United Airlines Frequent Flyer Programme, which added another 16,000 visitors made to December 1999. A lot of people like the Caribbean, they will use their travel to come here.
- ◆ Planned year 2000 product improvements, which was launched in May.
- ◆ Re-evaluated our company's positions and introduced new annual compensation programmes.

(I just have about one-third left, Madam Speaker.)

- ◆ Introduced an employee bonus incentive programme. Compensation based on corporate results.
- ◆ Conducted performance evaluations for the majority of employees.
- ◆ We visited employee and customer polices and procedures with a view to ensuring equity, fairness and rewarding desired behaviours.
- ◆ Reviewed organisation structures throughout most of the company and this is still ongoing. To date we have streamlined the Miami reservations, Cayman Airways holiday organisations. Currently in the processing of restructuring the ATO and Maintenance Departments which are the two largest employee areas.
- ◆ Improved recruitment and work permit functions moved in-house.
- ◆ Supported Cayman Islands Tourism Department including Sister Islands Tourism Association (SITA).

- ◆ In the process of reviewing maintenance compensation issues with respect to local market price and industry standards.
- ◆ Today, as a company, Cayman Airways is building on business planning process, instilling management accountability, understanding customer expectation, delivering improvement customer service, market planning and product development with an aim to delivering better financial results.

There is a lot happening there but the airline business is one of the most difficult businesses in the world that I know about. I would say I get more problems out of that one business than I do throughout the rest of every business I am associated with in my life generally. However, I will dedicate as much time as I did, for example, yesterday nearly six hours solid sitting dealing with problems in an effort to do everything I can to try to take the airline forward. Thank you.

**The Deputy Speaker:** Proceedings will be suspended for fifteen minutes.

**PROCEEDINGS SUSPENDED AT 11.49 AM**

**PROCEEDINGS RESUMED AT 12.10 PM**

**The Deputy Speaker:** Continuation of the debate on the Throne Speech delivered by His Excellency. Does any other Member wish to speak?

The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

**DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. PETER J SMITH, CBE, GOVERNOR OF THE CAYMAN ISLANDS, ON FRIDAY, 18 FEBRUARY 2000**

(Continuation of debate thereon)

**Hon. Julianna O'Connor-Connolly:** I now rise to give my contribution to His Excellency the Governor's Throne Speech. I would like to start off with the responsibility given to me for District Administration, in particular Cayman Brac and Little Cayman.

Madam Speaker, as I have said on many other occasions, it has been my distinct pleasure and indeed my honour to have been given the opportunity to represent the people of Cayman Brac and Little Cayman and in particular at the higher level of Executive Council. I have sought to do so with as much dignity, loyalty, and commitment as God has afforded me to do so.

Being responsible for District Administration, I have endeavoured to the best of my ability to focus on improving mainly the wellbeing of the people within those two islands. In so doing, Madam Speaker, we have continuously striven to sustain tourism in particular on these two islands. We realise that we don't have many of the normal resources that other small islands may have. We have not sought to re-invent the wheel, but have looked at Grand Cayman, in particular the Turks and Caicos,

and the British Virgin Islands to name a few who have been quite successful with tourism. We feel that this is one area that we can excel in.

Madam Speaker, just a few short weeks ago, we had the privilege of opening several of our nature or eco-tourism projects on Cayman Brac. We feel that although this is but a small step, it is none the less a most significant step in the development of the eco- or nature tourism on the Brac. We were especially delighted that His Excellency the Governor, Mr. Peter Smith, and his lovely wife Mrs. Smith, together with the Minister of Tourism and other dignitaries, take the time to come across assisting us with this landmark opening throughout the entire island of Cayman Brac of these projects.

Basically, Madam Speaker, these projects consist of the re-aligning, and in some cases the establishment, of various nature trails throughout Cayman Brac and in particular on the Bluff where our forefathers used to walk many years ago when agriculture was of a greater significance in Cayman Brac. We found that many of the tourists who come (although they will turn to diving) also look for other alternatives and the Bluff being as majestic as it is, standing some 140 feet at its highest end in Spot Bay there is much attraction there—be it the wild life, the birds, or the unique type of vegetation, the caves and all of stores that may be ancillary thereto. So, we took the decision that we needed to make these eco-tourism sites more accessible and also they needed to be properly advertised and indeed promoted.

We have now established about four or five of these sites, and although there is much more to be done, we are delighted that we had the kind assistance of Mrs. Patricia Bradley. We made every use of her expertise. She has worked many long and arduous hours in putting this project together. I was especially pleased that although she was the main consultant, she took the liberty to involve local artists, speaking to the locals on Cayman Brac who had full knowledge of these trails in order to ensure that they were not just new trails but indeed the traditional trails being preserved.

I would also like to give particular thanks to the staff at District Administration and the Public Works staff and also to Government on a whole for seeing fit to fund these projects on the Brac, realising that we rely quite heavily on economic subsistence from the Cayman Islands Government and, in particular, the revenue that is made here in the island of Grand Cayman. We always strive to look for new avenues for diversification within the tourism market and other markets within the whole social stratification that we have to see where we can, if at all possible, enhance our economic potential on the Brac. I believe that year after year we are making strides in this regard.

Madam Speaker, I am also grateful for the generosity of the Minister of Tourism and indeed his entire Tourism Department. Especially in the past several years, we have had to approach them repeatedly for advertising funds and they have been most co-operative. As members will probably know, they have given great assistance to the Sister Islands Tourism Association (SITA)

and they have also done some very pointed advertisement for Cayman Brac and Little Cayman in very widely read booklets around the world.

Those of us who have had the opportunity to go to New York can vividly remember the very friendly smile of Miss Lily that's placed there within the conference room. It is just one example of the kind of money that has been put into advertising, not only our physical attraction on the Brac but what I consider a most valuable attraction, that is, the people of Cayman Brac and Little Cayman.

For tourism to survive on the Brac and Little Cayman, this type of commitment and partnership has to continue regardless of whatever government may be in place. We do not have the economic resources to do so, and I am grateful for the support. I feel confident that all members within these honourable Chambers (and if it's the will of the good Lord for any new members to come on board in September) will see the necessity and the good common sense in making such an investment and that trend will continue for years to come.

Madam Speaker, we are fortunate on the Brac in that we still have little or no crime. Luckily, we have had very few if any serious crimes on Cayman Brac. We are also fortunate that it is still fairly peaceful and tranquil. The waters and the land indeed are still pristine. We believe that although we have been referred to as the islands that time forgot, perhaps one of the best kept secrets in the Caribbean is that the Minister responsible for Tourism, the Government, and indeed all honourable members are fully cognisant that this secret must be told to the rest of world—especially now that we have entered into the technological age. It makes it even that much easier with the introduction of our own website here in the Cayman Islands. I believe that there is much potential and we look forward to greater things to come with eager anticipation.

Madam Speaker, we have further sought to diversify the tourism product on Cayman Brac by the introduction of the concept of sports tourism. We know that this is an ever increasing area not only in mainland United States but the entire world. We have also seen that even here in Grand Cayman, many of our visitors are [here] now as a result of the emphasis that has been placed on the area of sports and what it can do to increase the numbers as it relates to tourism. In this regard, we have seen many teams from Grand Cayman in particular, come across to the Brac in recent times to engage in competitive sports, be it formally or informally, and this has been of tremendous economic assistance to us in the Brac.

Madam Speaker, I believe earlier I said new members coming on board in September was supposed to be November. Perhaps I can accredit that to the quickness of the time that is now elapsing in the anticipation to get on to new better and exiting times. But I thank you for drawing it to my attention and perhaps if the good Lord shines on us then there won't be any cause to talk about new, but I will still be seeing the same faces whether from this side of the floor or the other side. I thank you.

As I was saying, Madam Speaker, we have tried to go into the new area of sports tourism. In doing so, we

have encouraged teams from Grand Cayman to come over and visit the sister islands, Cayman Brac and Little Cayman. Believe it or not, this has a tremendous effect on the local Brac economy. I know the Police have been quite faithful in bringing across their dart and domino teams and normally when this happens, Cayman Airways has a full flight, sometimes more than one flight across to the Brac. They rent the cars, they stay in the hotels, they very generously support the local establishments be it the pubs or the restaurants. More importantly, it gives us a time where there can be more specific cultural exchange because when I first came across to Grand Cayman I was somewhat amazed that there were so many people living here who had not even been across to Cayman Brac and Little Cayman.

If I could get a free promotional advertisement at this time, I would like to give an invitation to all to come across. I am sure you too can attest that they are as beautiful as the outer districts, which sometimes don't seem to get the full appreciation for all of the natural resources that they can offer when one takes the time to indulge somewhat in the outer districts as well as the outer islands.

We can still boast that we are able to leave our doors open during the night time. And the neighbourly principle which the Good Book tells us to live by is still in full force on the Brac. Many times when I am across on the weekend, I almost have to learn to say no because everyone still offers me either a heavy cake or a drink, just to sit down and chat. I believe that we are losing that on Grand Cayman, not by intent per se, but because we are apparently caught up in the whole economic and commercial mechanism that takes a lot of our time and there is hardly any time for leisure. So, if you find that you need a stress free weekend, we will invite you to the Brac and I can guarantee that the Brackers and Little Caymanians will take extra good care of all and sundry.

Madam Speaker, I know in recent times much has been said about Cayman Airways not just in this Honourable House but in private. Being from the Brac, I think I probably hear it more than any other member. Without Cayman Airways, we have no airline contact with Grand Cayman or indeed the outside world. But I would like to say, in all fairness, that Cayman Airways has assisted tremendously with the Brac and, in particular, when we have to ask for charters, be it for funerals or special community events. Not only has this assistance been in the form of an economic nature, where they offer group fares, but they have also even on weekends such as Easter and Christmas when I am sure there could have been other lucrative markets, fully realised their responsibility to Cayman Brac and Little Cayman, and offered us some very reasonable charters which we are always appreciative of.

I can also say, Madam Speaker, that when we send out the call to various churches and sporting organisations in Grand Cayman to become involved in a part of the domestic tourism product that they have positively responded thereto. We now have several times a year, various churches from different denominations on Grand

Cayman going across to the Brac to hold conventions, retreats or revivals. Again, this serves a similar function as that I earlier referred to with the Police, whereby our numbers are increased. When one has about 1,200 living on the island and in Little Cayman about 250 to 300 people, an extra 100 to 200 on any given day is a substantial increase and it can make a very positive domino effect on our economy. We wish for this trend to continue because it has proven a success already.

I would particularly like to give praise and thanks to the Red Bay Gospel Band and the Voices of Praise whom I had the privilege to call upon many different times. Not only have they willingly gone across to the Brac to give an extra boost to the economy when the need was realised, but they have done so many times paying for the expenses out of their own pockets. Having realised that they are perhaps one of the most popular groups on the Brac, we continue to try to work with them. I believe that the church being a very long and established organisation within our community has many positive benefits to offer, as I am sure all honourable members fully realise. I believe that as we embark upon this new millennium that we should strive to create an even greater partnership with the churches.

Madam Speaker, less anyone perceives this as a move for government to interfere with the churches, it is far from that. It is merely pure recognition that the churches serve a very valuable important role and function within our society. I believe that rather than trying to reinvent new policies or new social concepts that we can use an organisation (if I can so term it) which has proved itself over many decades and generations, and I believe will be in existence even when we have passed on and will be remembered for making positive in-roads into the lives and the whole psychological wellbeing of the human person.

Madam Speaker, I have taken quite a bit of time to relate the impact that these small groups can make to the diversification of tourism on Cayman Brac and Little Cayman mainly because I felt it was important. Also, from Cayman Airways' perspective, we spend quite a bit of money in advertising and we have very loyal Caymanians who support the national airline. I believe we fully realise that Cayman Airways has a most important function serving as insurance as far as it relates to having access to the international world especially in times of national emergencies when other foreign carriers perhaps will pull the airlines from the Caribbean as was seen with American Airlines when we had hurricanes in the eastern Caribbean towards the latter part of last year. I believe that being a tourism destination it is in our interest to continue to support Cayman Airways in that if we are going to attract persons from around the world to Cayman, we must also ensure that not only will they have a safe and enjoyable vacation but if and when the need arises that we can guarantee them safe flight from the Cayman Islands, if that is in fact their desire.

Madam Speaker, we also intend this year to complete the Heritage Park in Northeast Bay on Cayman Brac, which is another step toward improving our tourism

product as it relates to eco- and nature tourism on that island. To say a bit more about the Heritage House, basically government purchased this property (as members would know) sometime in last year or perhaps the year before. It is a very historic property leading from the road site to the base of the bluff. Surprising enough, Madam Speaker, it's the only property on the Brac where the Courts deemed that the owner owned 30 feet up on the edge of the Bluff. All of my life I have known it to be a fact that all of the vertical side of the Bluff was Crown property, save for this one piece where a ruling was done several years ago and its now completed. So it's not a matter of sub judice.

When government purchased the property, I believe we made two positive strides: we returned to the status quo whereby all the face of the Bluff on Cayman Brac is back into the hands of the Crown, and I believe that is where it should stay. I realise we have a National Trust and I have lots of good things to say about them, but because of the way in which the law is written, my personal belief is that it is much more secure in the hands of the government (the face of the Bluff) than in the National Trust at this particular time. I have no apologies for that particular statement.

Madam Speaker, the Heritage House in years gone by, the Lazzari family, as I understand it, used it for tanning and for the processing of leather and cowhides on the Brac. Interestingly enough, the tanning wells remain in fairly good condition on this property together with lovely caves on the side Bluff, huge boulders, which we hope to develop into an attraction area as funds become available.

More interestingly, there are tons and tons of old Caymanian traditional fruit trees as well as other Caymanian trees. When one sees the size of the trunks of some of the birch trees for example, one can only say that they must have been there for generations. In the development that we have done so far every effort has been made to preserve these trees and to leave this property in as natural a state as possible.

Within another two weeks or so we should be completing the Heritage House and we look forward to members of this Honourable Parliament coming across and celebrating with us the preservation of another thing that we can refer to as "Things Caymanian."

Madam Speaker, before I move off this area, I would especially like to thank Mr. Roy Tibbetts, Sr., who was the contractor for this particular project. I have particularly singled him out because this project was perhaps the only project that I have seen that came in so far below what was expected, some \$30,000 to \$40,000 below the next highest bid. He has done an excellent job in the construction of the building. He has kept within the timeframes and shown that Caymanians are still capable of building strong, safe and structural buildings at an economic and in an efficient way. We can still use those as examples when we hear that Caymanians are lazy, not efficient and not effective. I am not saying that is a statement we hear all the time, but having been in the private sector myself, I have heard it from both Caymani-

ans and expatriates, not to mention the public sector. It's not a statement that is uncommon, it is still heard.

I believe, Madam Speaker, all and sundry know that I am not a person who seeks to divide, be it through gender, nationality, race or what have you. But I believe the saying "When in Rome, do as the Romanians" must also apply to Cayman. If we are indeed to preserve our culture, steps must be taken, if they have not already been taken, to preserve the Caymanian culture and that there must be utmost respect for things Caymanian and in the beliefs of our Caymanian people. We must continue our long tradition of working together and being known as one of the friendliest people in the world having a full respect for the contribution that expatriates have paid to our community, but not a cognisance that that should equate to slavery.

Madam Speaker, the property that I was just referring to . . . I should have mentioned but it escaped me at the time that we were also fortunate in acquiring pedestrian access to the beach. I mention that purely in contrast to situations that I have seen arise here in Grand Cayman, in particular on the Seven Mile Beach where for whatever reason we have allowed our properties to be sold off to a number of persons.

Having been on the Planning Board for a number of years, it is not uncommon that as a property is purchased, "No Trespassing" signs are put up and many of our people no longer have the privilege of going and enjoying the beach without interference and many a conflict has arisen. So, we were extremely pleased that we were able to negotiate and indeed purchase a 12-foot pedestrian crossing to the beach, which is perhaps the only remaining beach in that area. It is going to be held because it is in the Crown for the benefit and the interest for all of the people of the Cayman Islands.

I believe that this trend should be carried out in all districts because I am sure development has come into your district and unless we really take a strong stance, we will not have preserved. I know from personal experience that you, Madam Speaker, have stood very strong on those positions in preserving things within your district for your local residents while still appreciating the need for the investors to come and invest to contribute to the wellbeing of the people there.

Also on the Brac, we have moved forward with the development of our road programme. Although there is no formal road plan, as such, we have worked very closely with the professionals here at the Public Works Department and on the Brac, as well as District Administration. They have been of tremendous help in the development of the road structure on the Brac.

I won't at this time go into the details why I believe that is important because I believe members have heard me say so many different times here in this forum why I believe we must embark on such a programme. This policy has proven very beneficial. We have been able to complete the main arterial road going to the end of the island where the new Lighthouse is proposed. Again, this is working in harmony with our commitment to enhance the eco- and nature tourism product.

Previously there was about a 12 to 15 foot road, which I believe was mainly because of the contribution of Captain Charles and the efforts of the Third Elected Member from George Town during their time within the responsible ministry. But we felt that the time had come to extend these roads for safety reasons and other reasons to the normal Public Work's standard and requirement of 30 feet.

We have not embarked on an asphalt programme for a number of reasons. Firstly, we could not afford it, as is known by all honourable members. Also, because we do not presently have an asphalt plant on the Brac we felt that it was important for the roads and certain areas to retain that natural character if we were going to be serious about attracting persons from the ecotourism market. From a more engineering standpoint, we have learned from previous experience that the longer the base is left to remain there, the more time there is for settling and the less maintenance we will have to endure in years to come.

Also, this year we have embarked on the continuation of the road policy by commencing the Major Donald West, which is the other main arterial road going to the western end of the district. Madam Speaker, we saw, last year in particular (I believe it was in the month of November) when we experienced the serious floods on the Brac, the importance of having these extra roads because Cayman Brac being low as is the case of Grand Cayman and Little Cayman, there is very little alternative roads once flooding occurs on the coastal plains. We felt that if there were sufficient access roads put on the Bluff that our people will have the safety and the elevation of the Bluff and can have a better and more improved accessibility to the Bluff in these cases.

I had the opportunity to be on the Brac during that time as there were other family matters occurring at the same time that deemed my attendance there. Madam Speaker, in all of my life I have not seen any flooding situations on the Brac as during those four or five days. One would almost have had to be there to really realise the impact. Many of the houses of the residents there received serious damage and we were in a serious situation where most of the water . . . because the people still use well water (we do not yet have piped water, which I will come on to a bit later) we had to act quite swiftly. I would like to use this forum to thank members of the government as well as the backbench in Finance Committee for the quick and most expeditious fashion that they acted in giving the emergency funds for the floods. Although it was towards the end of the year, we did not have an opportunity to utilise the full \$100,000, we did as much as we possibly could. I am sure once I receive the report from the staff at District Administration with the full assessment, we will no doubt have to come back for a revote of the \$35,000, which I understand we did not have time to use but the needs are still outstanding. We are getting repeated requests from persons who I believe have been most patient in this regard.

In the past few years we also embarked on a programme of minor road development because, like other

members, I found a situation where there were many minor roads where children and the elderly and in some cases the handicapped or the less fortunate were residing. Not only in times of rain but under normal conditions, access to and from their houses was quite difficult. Now that we have the ambulance and the fire truck, there were some roads they could not get into. And we thought that it was in the best interest of the people in moving along with the policy of improving the wellbeing of our people to embark and complete, as funds became available with this road programme. I am happy to say that we have perhaps completed about four-fifths of this programme. The people are extremely grateful, and I would like to convey to all honourable members their appreciation at this time for that particular project.

Madam Speaker, I am also grateful for the assistance that was given to us by the Social Services Department during the floods and, in particular, the Community Development Worker, Miss Anna Rose Scott, who was although not new to Social Services new to the particular job. The remaining of the Social Services Department who together with the District Commissioner and I worked through several nights to ensure that persons were taken to alternative accommodations and were given the necessary food and water, et cetera.

I believe that it is encouraging when we see the Caymanian community coming together at a time like this because it reminds us that all is not lost regardless of the many comments that may be made about the negativism within our social strata. I believe that I can speak for most Caymanians, if not all, that we are still a very generous people. Not only can we rally together to help our own but indeed we have done so for the Caribbean and the world on a whole, where and when the need was identified and we were in a position to so do.

Madam Speaker, as members would also know, we in the Government believe that the policy of establishing adequate and appropriate hurricane shelters throughout all six electoral districts is a policy that is prudent. It is a sensible policy and one that needs to be adequately funded. Several districts already have facilities in place. I am sure that all districts still have requirements as districts continue to grow and therefore the need continues to grow. I believe several years ago the need was identified in this honourable House for a National Disaster Fund. I believe that need is as important today as it ever was.

We see as we move into the end times that there are more disasters occurring. It's just a matter of time . . . even though I would not like to see it in my lifetime for sure, before something hits our shores on Grand Cayman. I would like to see the Cayman Islands be in a position where we are prepared not only for the immediate remedies but for the long term, because if there is a time that you are normally going to see a fleet of human resources that are non-Caymanian, it will be in time of these national emergencies as was the case in Montserrat.

I believe it would be incumbent on any government to make ample provision for disasters. I believe that one

of the best ways is by creating a segregated portfolio and establishing such a fund so that we can be well on our way for preparedness, if and when that need arise.

Madam Speaker, although much has been said about the shelter on the Brac, I am still fully persuaded that it is very necessary. If I were not, I certainly was last week when I took the opportunity to visit one our veteran seamen known to us as Mr. Glenn, who as we all know suffered a stroke whilst working for us at Public Works some years ago. He is now at home because of that condition. But his mind is still very much at Public Works and he always takes every opportunity to tell us how the buildings should be built or the seawalls or the ramps. And his very first question was, will we be getting a hurricane shelter this year. The sheer delight on his face, Madam Speaker, when I was in a fortunate position of responding that, yes, Government has allocated some (not all) of the money. It's almost indescribable, the sheer delight and exuberance that came on his face.

And, of course, he proceeded to tell me how it should be built and the reason why it should be built that way, and, as usual, we are grateful for his contribution.

Madam Speaker, for a long time as well, several districts—Savannah, East End, North Side and my district, have seen the need and have made many pleas and requests for adequate postal facilities within the districts. Government has endeavoured to make budgetary provisions on an incremental development basis for these districts. I am hopeful, as I am sure you are, that before too long we will see proper, adequate postal facilities within the various parts of our constituencies.

Although we have heavily depended on the generosity of the Postmistress, and in particular I think of Old Man Bay, West End and Savannah, because they have had to operate in some fairly dire circumstances, I believe that we must really turn our attention to ensuring that these facilities are put in place. The Cayman Islands is no longer the place where it is acceptable for mail to be distributed from one's home or from a small square box. We are becoming very advanced, and happily so, but I believe that we must continue to advance our postal infrastructural development.

I look forward to the commencement this year of the West End Post Office, which we will hope not to just be a sub-post office but indeed will serve the dual function of serving the community yes, and also as a distribution centre similar to (but on a smaller scale) the airport postal facility, being that it offers close proximity to the airport because we have outgrown the space at our little town in Stake Bay.

Madam Speaker, government's economic incentives that were put in place some three years ago are continuing. I am happy to say they are working. The real estate and the construction industry in particular, have received a tremendous boost in this regard, and for the first time in a very long time we have the majority (if not all) of our men and in some cases have had to ask for some outside expertise to be able to complete the demand in our construction. We have not yet succeeded in stimulating in a positive way the more white-collar type of jobs to

attract our skilled Cayman Brackers and persons from Little Cayman.

But all is not lost because I am made to understand that His Excellency the Governor and his senior staff are once again looking at the possibility for a back office. I am told that there is a very distinct possibility that some 15 to 25 jobs will be created in the near future by the government. I believe, rightly so, that we as a government must take the lead in various aspects of our development and, in particular, where it relates to the employment and the equity and parity of our Caymanians. If not, then it is going to put us in a difficult position to preach to the private sector that they must so do when we ourselves, speaking in a general sense, may at times find ourselves short.

So, I am grateful for this endeavour and this initiative and I look forward to this successful implementation of these initiatives. I would also ask that if there are any other areas be it on the sister islands—Cayman Brac or Little Cayman, or the other districts where Government can be decentralised, that serious efforts should be made for a number of reasons (traffic just being one of them) for this to come about. When one flies over the island of Grand Cayman we see that there is still a tremendous amount of undeveloped land and there is a greater concentration of business in George Town because that's how we have evolved. Nonetheless, Madam Speaker, I see absolutely no reason for that trend to continue and I believe that if it is to change, then affirmative action must be taken to ensure that other departments of government should be filtered out into the outer districts.

I know the Minister of Tourism tried to do this, for example, with the Licensing Department. I believe that there is still much room for all us in government to really sit down, be it the elected branch or the administrative branch, to see where if at all possible we can assist the areas within the Cayman Islands, which need assistance by decentralisation or other incentives that perhaps I have not been privy to or even cognisant of.

Madam Speaker, I believe that now the possibility of the introduction and the sustainability of white-collar jobs on Cayman Brac is perhaps at its best, in that, with the advent of the computer and the information technological world, it does not necessarily require a large amount of manpower but more brainpower. This is an area where we have many of our Brackers and residents from the outer districts trained in. And because of the speed of the computer and the efficiently one does not necessarily have to be in central George Town to conduct or carry on business today. So, perhaps this is the best time if we are to become serious of extending to so do.

**The Deputy Speaker:** Honourable Minister would this be a convenient time to take the luncheon break?

**Hon. Julianna O'Connor-Connolly:** Yes, Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended until 2.15 p.m.

**PROCEEDINGS SUSPENDED AT 12.51 PM****PROCEEDINGS RESUMED AT 2.23 PM**

**The Deputy Speaker:** Please be seated. Debate continues on the Throne Speech delivered by His Excellency the Honourable Minister responsible for Community Affairs, continuing her debate. Honourable Minister.

**Hon. Julianna O'Connor-Connolly:** Thank you, Madam Speaker. Just before we took the break I was making specific reference to Cayman Brac and Little Cayman, the constituency to which I have responsibility. I had just reached the point where I was about to make the comment that I was pleased to see the performance of the Customs Department on Cayman Brac in reference to the Governor's Throne Speech where for the first time they had earned in excess of \$2 million plus.

I think this is particularly commendable bearing in mind that we still have in effect the various provisions for the waiver of customs duty on building supplies. This has served to stimulate the construction industry and there has been significant increase in the construction of dwellings and commercial as well as educational structures, which have also unilaterally increased the need for more items to be imported. It goes to show that more revenue is not received just by the fact that there is duty attached, but when incentives are creative as the ones that the Honourable Financial Secretary and his team and the government as a whole have put in place, we can still achieve a high level of revenue while at the same time assisting the environment.

Madam Speaker, the government also made a policy decision to air-condition all of the primary schools, that is, government primary schools within the Cayman Islands, and the Brac was no exception. Except for the new primary school in Little Cayman, all primary schools have now been air-conditioned and the minister has given the undertaking that the high school will, in continuance with the policy, be air-conditioned this year. Not only are the students grateful, but indeed the parents and teachers are very grateful for this gesture on government's behalf (government, speaking generally).

We all went through the school system here, at least the primary system for most of us realise on those hot summer days it is very difficult for the smaller children in particular to concentrate in the small classroom. They are sometimes quite packed. Anything we can do to enhance the learning environment for our children, I believe is good investment because our youth is one of the best investments that we can make into the future.

We as a government have a statutory obligation to educate all of our students. And any support we can give them and the teachers, I know will be fully appreciated. Having been a former teacher myself, I know at times once can easily become frustrated within the system and sometimes the bureaucracy that one may come upon. But it was always good to know that there was someone or a government who was prepared to listen, take constructive criticism, and was prepared to take affirmative

proactive action to solve the solutions as much as was practical or possible giving the various circumstances.

With that in mind, I believe that the salary review committee that was put in place should on a fairly frequent basis look at the teachers as well as other service providers to ensure that the salary and the benefits which they receive is relative to the viable contribution that they make to our children and in wider perspective to our society. It is not an easy job, Madam Speaker, as I am sure you will appreciate. Being an educator it takes a lot of time and the job does not necessarily end at 3.00 p.m. but there is much preparation of timetables and research that has to go in for the next day's lesson.

Judging on the calibre of student that the schools here in the Cayman Islands have produced, I can safely say that our teachers and the education system is working quite well. That is not to say that there is never room for improvement. Of course, being a spiritual person, I for one would like to see much more emphasis put on the area of religion.

Having come through the system myself, I can vividly remember in the morning having devotions, having to memorise scripture verses and even things that may seem a bit tedious, as having your nails, hair and uniform inspected. Madam Speaker, I believe that things like these serve to instil discipline and respect in our students which is needed quite a bit as they move on into the world of work. I believe that this is where we have started to see some of the social breakdown in our community and whatever we can do to alleviate or to stay this problem, I am sure that we would all appreciate it.

I know that there are many schools that are now teaching Bible versus, especially the private schools and I know that there is a daily tutorial. But I am also aware that religion is taught mostly as world religion and they are given a taste of all of the other types of religions. On the face of it, Madam Speaker, there is nothing wrong with that, provided we teach our Caymanian children or resident children that this is a Christian nation and those values are instilled. Whether we are sociologists, psychologists, or any within those sciences, many of those concepts have emanated from the scriptural basis and have been proven to be successful in many civilisation.

Madam Speaker, if I may now turn briefly to deal with the matter of the Police. I am happy to say that policing will be enhanced in the island of Little Cayman and there is now established Phase 1 of the Police Station. Just a few days ago, we were given the assurance of the Police Commissioner that at least one policeman would be employed in the near future in Little Cayman. Of course, everyone knows that I am of the view that there needs to be a minimum of perhaps four policemen to properly man a 24-hour shift.

One may say that Little Cayman merely has about 300 persons but I believe to analyse the situation purely from the demographics of the population would be somewhat shortsighted. We all have known for a very long time that a vast majority of the drugs are entering either through Little Cayman or Cayman Brac.



The goodly Commissioner has given his undertaking, which I know is supported by the Chief Secretary as well, that they would do what is possible to enhance the complement of the Police for the station in Little Cayman. In that regard also, I believe that efforts must be enhanced as it relates to checking between the three islands. I travel on a weekly basis and sometimes more than once a week between the three islands. I have had many opportunities to see that, in particular as it relates to Island Air, most times if not all times no checks are done when that aircraft comes in from Little Cayman and Cayman Brac. Having also been in the court circuit it does not take long for one to recognise some of the drug traffickers that are moving back and forth. Whereas when the travel is done with Cayman Airways, there are normally Custom Officers available and at times Policemen to check and to carry out due diligence.

So, this is one area that I would like to see enhanced—Custom Officers and where necessary Police Officers at the airport to check when Island Air or other private planes go to and fro within the three islands. Although I am sure this is not the only mode of transportation, I can say without a doubt that it is one of the modes of transportation. We have had occasions where persons will come across late at night on Cayman Airways, do whatever they have to do and go off in the small aircraft in the morning or by boat with the drugs or after having sold drugs. The island is small, and I realise that its an area that many people don't like to talk about. But I am persuaded that unless it's talked about, we would never really get a solution to the problem.

I know all honourable members in this House are extremely committed to the policy of zero tolerance to drugs. Areas that we can identify and find solutions, I believe will help us in this war against drugs. It is a war that we are facing in this regard and it has now become a undesirable cancer, as it were, in our society as it continues to destroy not only our young people and even some young children but some of the older persons in our society as well.

Madam Speaker, for the first time in a very long time we now have in place on the Brac, a local Bracker who's an Inspector of Police. I believe I am correct in saying that the Sergeant as well is a local Cayman Bracker. Although I fully concurred with the policy that was in place just recently where there was like a one-year rotation, I am grateful to see that we are back in a position where we have Brackers at the level within the Police Force that we can have almost a full complement with one or two non-Brackers there.

Inspector Scott has introduced a very favourably element of policing in the community in that whilst here the Police Commissioner had exposed him to community policing. I must say that I take my hat off to him in that ever since he has arrived on the Brac, he has made it its duty to go within the various communities and bring policing down on a more domesticated level. He has visited with many of the elderly and its amazing to see what just little visits have done. Before, one would always hear remarks about the Police here, there, and everywhere.

But I took great pleasure in visiting last week and hearing all of the positive comments about the Police on Cayman Brac from the elderly I visited and from some of the boys that hang along the road. They felt that the Police were really taking an interest in them as persons and not just as a mere statistics or as protectors or seekers of crime.

They felt that the Police were seeing policing from a wider perspective and they wanted full involvement from the community. I fully agree with this and commend the officers involved, although it takes a great deal of their time and effort to embark upon such a venture.

Madam Speaker, generally speaking, Cayman Brac and Little Cayman have very little criminal activity. But if we become complacent or in any way take it for granted, this will not remain. We have seen that as development continues more persons will come, more outside influences will come, and inevitably, the culture will be evolving as all of these things work together. We will find that the criminal activity will increase from a statistics standpoint even if the amount of crime per se would not increase. By the mere fact there are more numbers it becomes more evident.

It is a small community and I feel that we can still control and determine what happens on the island. Every effort should be made to ensure that this remains the case on the Brac and Little Cayman. Speaking specifically in relation to Grand Cayman, I am also persuaded that things are not as bad in Grand Cayman as sometimes we hear on the marl road. Yes, we do have problems. I would be very naïve to stand here this afternoon and say that we do not have problems. I believe that all persons with vested interests or all stakeholders are making a conscientious effort to analyse and appreciate the width and depth of the problems to try to come up with practical and feasible solutions to deal with these problems.

I believe that the Royal Cayman Islands Police are coping well, or the best that they can given the circumstances, with dealing with crime. Yes, I do believe that the additional 24 police, it doesn't matter to me if they are coming from the UK or from whatever jurisdiction, will assist in enhancing a better police presence here in central George Town. It is not the entire solution but one must concur that it is part of the solution by having these extra officers. We heard from the Commissioner of Police that he will now enable him to put at least one officer on a 24-hour presence in central George Town.

Madam Speaker, George Town, being the main commercial hub, has a concentration of wealth. And because it is sandwiched between the port as well as the airport, it forms a very attractive jurisdiction for criminal activity, as there is easy access. We have developed in such a way that most of the residential activity has moved on into other districts on Grand Cayman. So, at night, central George Town is left basically unattended except for the security guard here or there. I do believe that the presence of an extra police officer will go a long way, if no more than bringing the consciousness or the awareness that policing is alive and well in George Town and in other districts in Grand Cayman.

Madam Speaker, I would also submit that policing is a matter for the community as a whole. As far as practical, we must make every effort to know who our neighbours are. I realise that as we move on this becomes much more difficult. I know even for myself living in Prospect for some twelve years now, I still don't know who all lives in the neighbourhood. But I don't believe that in itself should prevent us from making an attempt. I can remember in days gone by when everybody knew almost everybody and because of that there was a bit more ownership and responsibility for being our brother's keeper. This is not to enter into gossip, but just to know what is going on. If someone was on vacation then we kind of looked out for each other as households, or children, or what have you. That in itself is not a bad thing.

I know that some of our neighbourhoods within the Cayman Islands have moved towards the neighbourhood watches. From what I understand they are progressing well. I know in Florida, for example, in the little city of Davie where one of my sisters resides, they have a neighbourhood watch in effect and it has worked quite well for the time that I have been there, which has been about ten years or so. Although they are very dense as far as the establishment of homes in that residential area . . . to use an example, whenever she is on vacation, the neighbour will turn on the lights or feed the pets or even go as far as to cut the grass and check the post office box just to give the appearance that someone is still resident in the building. It has helped significantly.

With their policemen, they have been encouraged to spread out within the community as far as residential purposes are concerned. And almost each of the blocks, you will find that there is at least one policeman residing within the district, getting to know the community and carrying out various community services within that particular subdivision. I believe that a similar thing could be done here where we can really get to know what's going on in our communities and become somewhat more responsible with the area of policing if we are to maintain and contain the ugly head of crime that we see arising within our community.

Madam Speaker, I believe in times past that we were much more of a godly nation with many more godly principles being evident in our lives. Although we have reaped quite a high degree of prosperity I do not feel that in itself should be an excuse for us deviating from the godly principles that have brought us where we believe we are today. Every effort should be made by us as parents, as legislators and as general citizens of the Cayman Islands to ensure that the Caymanian heritage is passed on to future generations so that they too can enjoy the prosperity that we are now enjoying. But more importantly they can make all preparation for the place to come, which is our eternal hope.

Madam Speaker, if I could just briefly touch on the element of sentencing within the Cayman Islands. I believe that the sentencing as it stands and many of our areas is presently inadequate. The time has come for us to take a more serious look as it relates to sentencing. This is not only as it relates to women, although I believe

that area has been identified from quite a long time and we are still actually awaiting for the final version to be put in force here in the islands for the benefit of the women in the wider community on a whole. If we could take the crime of murder, for example, in the Cayman Islands (as we know) we no longer have the alternative of invoking capital or corporal punishment as was set down by the United Kingdom. If we could just pause to see the effect that this has in my humble opinion, at least.

When one now commits a crime within the Cayman Islands jurisdiction and is found guilty, upon conviction, he or she is sentenced to life imprisonment. Yes, that is a pretty harsh reality, but I believe where it starts to break down is that such a person really has nothing to look forward to. Or there is no deterrent really in that sentencing when that person is prone to escape from prison. There is nothing then left that you can really do with such a person who has committed a murder within the Cayman Islands and escaped and perhaps commits another crime.

We all know that there is only one life and there is only one sentence of life that can be rendered to such a person. I believe that's why we are seeing some of the problems that we are now seeing today when we have some murderers escaping from prison. There is really nothing that the establishment can do to deter such persons from coming out. Yes, I realise it would be good if we lived in a Utopia where no one had to go to prison because we know that blood is thicker than water and no one really likes to see their family or a friend or some neighbour go to prison. When we take a reality check, as long as there is sin in this world, there is going to be a necessity for the prison, it is almost like the poor when the Good Book said that the poor would always be with us. Because of that we have to make provisions to deal with these circumstances we are faced with.

Madam Speaker, I also believe that although we are a dependent of the mother country, the United Kingdom, in my humble opinion there is nothing wrong with us making another attempt to Her Majesty's Government to ask if there could be reconsideration of corporal and capital punishment within the Cayman Islands. The United States, which is one of our great partners, still has this on their books. I believe if one looks at the statistics of the increase in crime, and especially as it relates to serious crimes, we will see that there has been a definite change since we removed capital and corporal punishment from our books. I would really hope that in the near future the government would be so persuaded to make representation to Her Majesty's Government to see if they would consider this.

We have to live here, Madam Speaker. You and I have nowhere that we would want to run. Certainly, there are other alternatives, but when you are a true Caymanian it takes a lot to get you to move from these little rocks. We must take matters into our hands and if that is an alternative then I believe we must pursue it and not just beat around the bush and play with crime because crime is one element of our society that takes no time to play.

Madam Speaker, I believe that acting responsibly is the business of every individual who becomes competent, that is at the criminal age of ten. The society only takes on this societal duty when there is a breakdown. We have seen that in some areas of our society, there is an obvious breakdown within the social stratification and, therefore, we need to address these problems.

In more recent times we have become aware of the advent of groupings and gangs, as we now call them. Each of these members has parents, even if they are not two parents living in the same household. I believe as my Honourable colleague said, the parents must take a degree of responsibility for the actions of their children.

I am often involved in vacation bible school, regular bible school, and/or Sunday school, and I see many of these children that are coming to us, some regular and some are visitors. It would amaze you to see the age of some of the children and their behaviour and mannerism. For the life of me, I cannot really and truly believe that a three or four year old can act so and the parents exclaim to me that they cannot really control their children. It is absolutely amazing, Madam Speaker. I call upon the parents especially the mothers who traditionally have had the role of raising and instilling the good values in their children, and those fathers who are present to also take an active interest in the children.

You may say, *'Well, my children are fine and I don't have to worry.'* But it is those children who don't have that leadership and guidance who would become the deviants of our society. Those same children may be the ones who take out one of our children who perhaps may not have fallen through the loophole.

I am not one of those Parliamentarians who wishes to see any generation be forgotten or fall through the gap. I believe that every single Caymanian child deserves a chance of survival and we owe it to them to protect them. Even if we save one life, it would have been time worth investing. I believe that if we are going to be leaders and states persons we have to take the view that it's a survival and safety for all of our generations and not give up on any generation.

I think it was my honourable colleague who during the midday devotion referred to a paragraph about quitting. Quitting in my respectful view has no place when it comes to our children. There is absolutely no room for it. We must persevere until we are successful because many times the influence we have on our children is not known until many years to come. Those of us who have children may sometimes shake our heads in frustration when we are trying to scold or instil discipline, only to be told many years later how happy they were that we had spent quality time with them and had shown them what was right and wrong and to keep them within the parameters of acceptable behaviour in our society.

Madam Speaker, moving on to the area of agriculture as it relates to Cayman Brac and Little Cayman. Most of us, if not all, would be fully cognisant of the fact that agriculture has always played a very significant role in the lives of the people there. The Bluff has quite a bit of arable land and when things were not as prosperous

as they are today, many of our people resorted to farming and to spending much of their working day on the Bluff cultivating for their household use as well as to share with the neighbours and even to export to Grand Cayman and Jamaica. Of course, as time elapsed this fell somewhat by the way. So I was extremely happy to see for this past Agricultural Day that for the first time, the students from the Cayman Brac High School entered the competition. As a matter of fact, they took first place for their products.

Last Saturday, I took the opportunity to visit the high school to see the farm. Quite honestly, I expected to see a vast area of land after having seen the high quality of the produce, in particular the peppers and tomatoes. To my ultimate surprise, it was just a small strip of land perhaps about 8 x 30 feet long. It was truly amazing to see the variety and the quality that the science teacher and the students are producing there.

In speaking to the science teacher, he (being an observant person) became quite aware that not all of our students are academic as one would like them to be and they had other interests. He told me that where some students perhaps could not understand the process of metabolism or photosynthesis. But in teaching them to plant a seed he was able to show them how the seed moves from the germination period up on into maturity and be able to do the experiments of dissecting and bisecting. He said that he was truly amazed to see the interest that these children now have in science as a subject and at the same time in agriculture.

Although they don't have a modern type of watering (they are still watering with little buckets), the children are coming and doing it on their own accord. Again, those of us that have children know that nowadays with the competition we get from the television and the Nintendo, agriculture is not one of their most favourable items. I believe that we are going to see good things come out of this project and where possible, I believe that other schools should also look at it, not just in the science area but anywhere we can find hands-on experience. I think that it will stick with our children much better.

Madam Speaker, the responsibility for women's affairs in the government as a whole is a relatively new area. Nonetheless, I believe, it's a most significant responsibility which encompasses many various aspects that often leads to much uncharted waters. Having said that, I believe that the ministry with the assistance of other honourable members of the House has made great strides in the past years, in that people are now becoming much more aware of the unique needs of a woman.

From the onset (before I get into the thrust of my contribution as it relates to women's affairs) let me hasten to say unequivocally that this ministry under my leadership has no intention whatsoever of becoming a man-bashing ministry. We merely want to work together in partnership with the men so that they can understand that women, too, continue to make a valuable contribution to our Caymanian society.

There are many critical areas, I believe, that relate to women. Although the list is perhaps not all-inclusive I

would like at this time, if you would permit me, to share them with the honourable House. I believe that some of the critical areas for women include us taking a very close and analytical look at women in poverty, education and training; violence against women, women and the economy, women and the decision-making process; the institutional mechanism for the advancement of our women and human rights for women; women on the media, women in the environment and the girl.

Those of us to whom this topic is very close to our hearts will readily recognise that these were some of the critical areas that came out of the Beijing Conference that was held some years ago. Women are still attempting to get recognition and awareness throughout the entire world.

Madam Speaker, a few weeks ago when I had the opportunity to be at the women's conference in Tortola, the British Virgin Islands, it was shared with us by the UK Women's Unit that they have adopted under the new Labour Government, the policy of Better for Women, Better for All. I quite like that because we somehow seem to get the false idea that if we make public remarks about women that we become sexist or over-conscious about the needs of women.

But as Fionna Reynolds, the representative from the UK Women's Unit ably put it, if we make policies that are better for women, who most times make up the majority of our populations and who usually live the longest, then there is a higher possibility or the balance of probity. It would be better for all. Never mind the fundamental use of the woman being the child bearer and usually the one who has the most impact and contact with the children who become members of the society at the end of the day. I also believe that women are crucial to the economic development of any country and they are very significant players.

Increasingly, I believe that they are becoming more important especially since the advent of information technology (IT). In years gone, one could have stood or sat back to the justification that it took manpower or it took strength. But now we are moving into a round where it takes brainpower. You don't have to be a big muscular woman (if there is such a thing) to be able to do a job properly; you merely have to be smart. I can see from the smiles that most of the men are agreeing with me on this.

Madam Speaker, in our Caymanian community we still see that most of the caring is done by the women. For example, most of our teachers are women, most of the nurses are women, most of the Sunday school teachers are women, most of the community care workers are women and, yes, most of the domestic helpers are still women—and mothers, of course. Although there is a gay movement in California and elsewhere, thank God, mothers are still women!

Everyone, I believe, will benefit from policies that enable a mother to balance her household duties and her domestic life with that of the workplace. For a long time we have heard that perhaps baby care centres should be put either in or close by the work place and

very little really has been done for that. I trust that as we evolve as a society and become more aware of these needs, we can truly see that it is a good investment to care about the needs of the mother. With the traffic being what it is in central George Town, it takes more than your lunchtime normally to go to and fro to pick up your children from school or to see what is happening at the nursery. Whereas if there was a place on-site for your children to be kept in a clean, healthy and safe environment then it would take a matter of minutes to just check to see what was happening with your children.

More importantly, Madam Speaker, it would provide the mother with an opportunity to spend quality time especially in the first formative developmental years of the young child.

I believe also that the women's needs are fulfilled by the government in that when this occurs, it forms the basic of a very necessary and important government investment. The reason I say that is that nowadays, we invest in almost anything—in pension funds, mutual funds and all types of funds. I believe that any prudent government, be it this government or any other government in the future, would be wise to invest in the female. Thus, Madam Speaker, I would go a step further in submitting that this should be a matter of priority.

Again, I would like to stress that this is not a sexist approach or a gender approach but its an earnest plea for the value and the contribution that women make to our society to be fully recognised and rewarded. After all, we make every claim that we are a modern society and if that is going to be upheld then we need to realistically commence the analytical process of funding and finding practical solutions to the many varied and diverse problems that our women face in our society today.

I believe that we must now more than ever before pay very close attention to the issues that are affecting our women and our children. Otherwise, as the Bible says, what we reap we are going to sow. In generations to come we would have wished that we had paid much more time and attention to it because those children would be crying out for additional facilities at Northward and additional funding. I say rather than wait for that to happen, let us step in at this time and make a positive difference in their lives.

Madam Speaker, for this to happen I believe it is going to take the full support of the government, meaning all honourable members in this Chamber, and the full support of the community to be able to see these gender issues fully and properly addressed. Yes, Madam Speaker, it will take courage and commitment but as I have said in previous times, I believe that commitment rises on one's performance. As we go into the Vision 2008 exercise, at that time perhaps it would be appropriate to have a look (as is suggested there with their reviews) to see what is being done with the gender issues within the Cayman Islands.

I wish to say that gender issues are not just merely the responsibility of the Ministry of Women Affairs or indeed the Women's Resource Centre. I believe that gender issues are the responsibility of the entire govern-

ment. As I said, we must therefore look at all areas where we can improve the policies relating to the various gender issues through the Cayman Islands, in particular as it relates to the public service as I believe we must lead by example.

For example, there is a general perception that there are still certain jobs within the public service that there are for men. I believe that perception sometimes is elevated to actuality if there is no attempt to stop, resolve or to clarify this position. For the purposes of debate, I will assume that it is pure perception. But I would call on all vested stakeholders that as we embark upon this new millennium, let us (as the young people say) take a reality check and ensure that the government when called to answer will not be guilty of having gender issues still outstanding but that they will be resolved forthwith.

The Ministry of Women Affairs, under my leadership, does not at anytime intend to sound like some of the early women liberators who wanted to be better than men. Far be it from that. Those of you who know me, know that I still like when a gentleman opens a door, or is courteous, or plays out his traditional role. I do also believe that the man is the head of the house and I can quickly qualify that in that my Bible tells me that the man must love the woman as himself. When you love somebody as yourself, there is no tendency to be involved in domestic, verbal, psychological, or social abuse but every care and effort is taken.

Men, like women in some respects, are no different when they come to a mirror. They often use it to ensure that every member of the body is in perfect harmony. If that is the time of love, the agape love that one has for the women, then most women in their good minds would have no problem making that love reciprocal and the respect that is demanded in the Good Book for the man. I cannot see any woman in her good sense wanting to take the leading role of the man, that is a man who is a real man because there are certain things that God has created to be in the domain of the man. I believe that this must prevail otherwise we would eroding the basic moral and social structure that has been put in place.

That does not mean that we must be a footstool. When in the creation story, the woman was taken from the side, we often hear the tale not to walk in front or behind but they must walk in step. I can easily concur to that principle.

Madam Speaker, we in the Ministry of Community affairs believe that the process of dialogue with women and men can only lead to a greater understanding. By so doing, we can be in a more informed position to set the standards of treatment for our society on a whole. Today, Madam Speaker, in Cayman's modern society, we believe that our people are continuing to ask for a government who cares and closely caters to the needs of people—and that's all of the people including women—and one who designs policies that are attuned to the needs of the community, that is, the people's needs. I, therefore, believe that as a government we must continue to provide economic, social, psychological or even cultural

rights for our people with specific emphasis to our women here in the Cayman Islands.

I believe that as a government it is our obligation and indeed it is our duty to ensure that there are no forms of discrimination against females. I believe that there are several ways that we can do this. Firstly, we can ensure that there is no discrimination by establishing meaningful and understandable legislation. We have made some strides in this regard, but women often have made the complaint that they have difficulty understanding the legal jargon, and because justice often times ends up being quite expensive, they find themselves being barred from the remedies that are available.

At the Women's Resource Centre, we have offered a programme, with the assistance of the Business and Professional Women's Club, known as the Legal Befrienders Programme. I am grateful to the local attorneys who have offered freely of their time to come on a regular consistent basis to offer legal advice to our women, to ensure that, be it immigration rights or maintenance rights or just general legal rights, they can be translated in a more understandable form.

[Secondly], I also believe that we can address this by formulating administrative procedures for women to come out of difficult situations. I also find, and I am sure, Madam Speaker, being an activist for women, many of the women find themselves in financial and economic situations that they are almost bewildered by the circumstances. Perhaps those of the men who have excelled in this area could assist in formulating very concise and precise guidelines for our women to follow in doing simple things like buying the right car or choosing the right piece of property, the right hardware or the right business partner, things in that line. And then we can surely enhance that partnership as it was created to be.

Thirdly, I believe that there should be no discrimination by ensuring that there is no legislation—and let me just repeat that there is no legislation remaining on our books that is discriminatory towards our female.

I believe that the time has come for us to establish a law reform commission. This would serve the main function to ensure that our legislation and our laws are gender friendly and where possible we would seek to consolidate it. I know that as it relates to maintenance and the rights of children and women, we have three or four pieces of legislation that deals with it. Even as a lawyer, it is difficult to up with the various amendments to the different provisions. If we had a law reform commission who could look at this specific area relating to women and gender issues, then we could have one document, at least, for the time being that women could refer to, to find out their rights and indeed move on to enforce them where feasible.

No doubt, Madam Speaker, after this some folks may be thinking why am I making such a fuss about women because it is normally a topic that everybody knows about but very few dare speak about publicly. But I believe we are in a situation where we must talk about parity and equity for women in the Cayman Islands. Generally, it is felt that our women really have nothing to

complain about—that we are equal as far as accessibility to education, occupation and other things of that nature and even to health issues. But if I may, Madam Speaker, apply what I would term as the ‘peeling away concept’ then I believe that this could be a useful exercise because I found it quite enlightening as I was making preparation and doing some research for this contribution.

In the interest of the evolution of understanding, with the ‘peeling away concept’ (perhaps it has some other scientific name I am not quite sure) we can easily say without applying that all of the women in the Cayman Islands have equal access to our hospitals and to the health services. But when takes it a further step if you could look at the concept as an orange, once you take off that general skin and you go further into the situation, one will see that as far as I understand from the women who spoke to me, that if a woman wishes to deal with one of her health issues, for example, contraception—to have an operation where she can no longer become impregnated—no doctor can do that unless her husband provides the consent. On the face of it, there is really nothing wrong with that, but when we turn that coin around, if the man wishes to do a similar exercise, health-wise, he can do so as I understand without asking the woman.

Madam Speaker, if we are going to have parity and equity, that’s what I mean by the ‘peeling away exercise’ because I am not really wearing my other hat of a lawyer. I will not go into any other situations but I can assure that there are many other situations where there is no parity and equity.

It is the intention of the ministry to expand our Women’s Resource Centre staff complement as well as its floor space. We are finding that there is an increase utilisation of this facility and we have had representation from the women who have come in there that they wish a higher degree of privacy whenever they are engaged in consultation or just in general interviews. I must say that the government has fully supported this venture and I give them thanks on behalf of the women of the Cayman Islands for this gesture. Within the very near future, we would have had the lease arranged and put in place so that there can be private consultations when the women come for assistance at the Women’s Resource Centre.

Madam Speaker, I believe there are several areas, but I will deal with three specific areas whereby our women’s unit will need the continued critical support of the entire government and on a wider perspective, the entire community.

I believe that our women’s unit will need adequate resources. We can talk, Madam Speaker, until we are blue in the face. We can say that we support but until we put the requisite funding that is needed to put these policies into place then nothing will be done. It would be a similar situation as saying that I am hungry and there is the potential to provide bread on the table but no money is given to provide it. I believe that we must move away from that concept.

Our Caymanian women must be given our full commitment and then they must be given at the women’s unit, the authority to bring about gender awareness throughout the public service as a beginning stage at the very least. By that I mean, the Women’s Resource Centre and indeed the Women’s Unit, although we are given responsibility to look at the gender issues, we do not have the administrative responsibility to ensure that these policies once accepted by the government is passed on through the various departments. This is where it is going to take a partnership between the administrative and political arm of government to ensure that these gender policies, once agreed, are carried down to the very lowest nonchalance of government.

The Women’s Unit, I believe, has a very important role and the development of the Women’s Resource Centre, which you and the past Member from George Town, Mrs. Berna Thompson-Murphy, had a very crucial and pivotal role to play in this development. I see it, Madam Speaker, of playing several roles. Firstly, the Women’s Resource Centre continues to play the role of an advisory nature. It also plays the role of monitoring the resources within our society to see where the need is and how the need can best be fulfilled. Then it plays an implementation role.

I believe that our Women’s Unit can also offer its experiences that can be found from gender analysis exercises and from gender planning. One of our women’s officers obtained a Masters in this area. She is very efficient and excited about carrying out these different gender issues. I believe that in so doing that we can actually get the gender issues into the main stream, which should ensure gender compliance.

Madam Speaker, it is my desire that this year the Women’s Unit can conduct a seminar which would involve all members of the Executive Council, Permanent Secretaries and Heads of Departments so that we can ensure that there is gender equality and parity throughout the entire public service. I believe that until this type of survey is carried out then we will really not have any concrete evidence as to the magnitude of this problem within the public service. Indeed if there are critics that they think there is not a problem then the evidence would be there as well to prove their point.

I believe that we do not have the authority to implement this within the service without having the administrative responsibility and therefore we will have to rely extremely heavily on the administrative arm of government to ensure that this gender awareness cognisance and implementation does, in fact, take place.

We in the Women’s Affairs Ministry also believe that there is a dire need for the development of sectorial programmes and that such programmes should include a reporting element to it. Let me just take a few seconds to explain why I believe there is a need for a reporting element, as far as it relates to the gender issues and the public service. I believe that in the interest of transparency and, yes, accountability if it is mandatory for the various sectors of the government to report on the gen-

der issues achievement then a number of crucial objectives can be duly realised.

Firstly, reporting would in my view achieve a very comprehensive review of where we are today in the public service with these gender issues and whether there is gender equality and access.

Secondly, I believe that if we put in place a process of reporting, it will ensure that the situation is constantly monitored and it is not allowed to regress to its previous state of affairs.

Thirdly, I believe that reporting would provide a basis for us to evaluate the various policies and priorities so that we can at long last move into the area of forward planning and we can see some actual, tangible achievements in this regard.

Fourthly, I believe that reporting can serve to provide a baseline for the evaluation of progress. If we do not have a reporting mechanism put in place then its difficult to see how we can see where we started and where we are going. We will just end up in purely speculative conclusions and for anyone who wishes to see proactive advancement for the gender issues, unless there is a reporting mechanism, I believe, we will not have no objective measurement as to progress that is being made.

Fifthly, I believe that a reporting mechanism would provide a better understanding of the problems and the shortcomings within the system, be it, the public service or the private sector.

Sixthly, reporting also would provide public scrutiny and therefore strengthen the element of accountability. I know, Madam Speaker, that being the human beings we are, we often times are not favourable to any level of public scrutiny. But I believe that it is another measuring stick to keep (regardless of who the establishment may be) in place and accountable to the public who really in fact is who the government is there for—government including the public service. If we can have this transparency and accountability as it relates to gender issues, and I am sure there are many other issues as well then I believe that we would have achieved a great milestone towards enhancing the status of the woman in the Cayman Islands.

Finally, Madam Speaker, I believe that this reporting mechanism would allow the various sectors of government as it relates to gender issues and access to provide for an exchange of information. I find often times that it is not so much the case that programmes are not in place or there is no equity or parity but because there is an apparent or a perceive lack of communication between various stakeholders one is often lead to believe that the problem is bigger than what it really is.

So, I believe if we could have a better sectorial understanding as to what the common goal is, being the enhancement of the status of female that we would all be working towards that common goal and much more could be achieved. Then reporting can also act as an enforcement mechanism because when one knows that he or she has to report on the progress I cannot imagine that person being a prudent person would just sit there

year after year and ignore the problem or not take the time through the act of omission to actually address the problem. But every reasonable effort would be made to ensure that these issues are addressed.

So, Madam Speaker, I call for due and timely consideration to be given to this element of reporting and to this partnership of administrative and the political arm as it relates to the issue (being the gender issues) firstly within the public sector and then the private sector.

I believe that an inter-ministerial committee should be established to deal with the various gender issues. We will continue to work on improving the literacy, that is, the legal literacy with regards to the rights of the women in the Cayman Islands.

If I could pause to thank you, as well as the Second Elected Member from Bodden Town, for your tireless efforts in this regard. As I said at the introduction of this topic, it does take courage and commitment to constantly fight about issues of women because it is almost a natural tendency that the hair on the skin tends to go up or different opinions seems to be forthcoming because it is not something that has been around for a long time.

Women are now just beginning to really talk about it. I guess before we were in a position where most of our men were out to sea so we really didn't have to compete, we just had to behave. That's a piece of irony, Madam Speaker, I trust all would understand.

Now, as we have moved into this modern civilisation and the economy of our islands have turned around where our men no longer have to go to sea unless its their desire, they can work side by side with us. We are finding that it is becoming somewhat more competitive for the role and the acceptance of the female in our society.

Again, I was at a conference recently when the Chief Minister of Tortola in making his address to the Women's Conference made a very eloquent and an admirable speech about his government's support for women and women's affairs issues. He decided to ad lib during the course of his speech (which turned out to be quite humorous). He went on to say that he was Rotarian and a very proud member and was one who had for many years continued to vote that women should not be a part of the club. It's inconsistencies like that, Madam Speaker, that I think have somewhat motivated me to make the contribution that I am attempting to make today and no other motivation as far as trying to outdo the man because that is not my desire.

**The Deputy Speaker:** Honourable Minister, are you at a convenient point that we can take the afternoon break or are you about to complete?

**Hon. Julianna O'Connor-Connolly:** No, Madam Speaker, if we could take the break, please.

**The Deputy Speaker:** Proceedings will be suspended for fifteen minutes.

**PROCEEDINGS SUSPENDED AT 3.27 PM**

**PROCEEDINGS RESUMED AT 3.46 PM**

**The Deputy Speaker:** Please be seated. Continuation of the debate on the Throne Speech, the Honourable Minister responsible for Community Affairs continuing her debate. Honourable Minister.

**Hon. Julianna O'Connor-Connolly:** Thank you, Madam Speaker. If I may briefly revert to the issue that I ended with, that is, women's affairs. I can assure you that I will be short this time. Nonetheless I think it's an important issue.

As we are all aware, the area of service delivery is a real issue here and that's mainly because of the limited resources that we are faced with in the Cayman Islands, as is the case in most developing countries. Nonetheless, I feel that this should not be viewed as a hurdle but instead it should be viewed more in the line of a challenge and that we can overcome if we persevere in this regard.

I believe that if we are to move forward in a positive manner or fashion, we must strengthen our legislation to ensure that the gender issues, which includes both men and women, are addressed. We must also move to increase the level and the degree of advocacy and improve the educational awareness process as it relates to women, and at all times, there must be a continued political will for this to happen.

I would now briefly like to turn my attention to the issue of domestic violence, which is very near and dear to my heart, and to publicly thank the Business and Professional Women's Club for the great strides they have made in bringing this issue to the forefront and allowing more members of our society to become aware of this hideous crime. It is a crime. I make no less of it than that. I realise that there are many competing forces that demand the attention of the Police, but domestic violence for a long time has been viewed as something that just takes up the time of any Police Force, not just this one but services throughout the world. As we go from conference to conference that is one of the complaints being made.

I am happy to say that the Police Commissioner, on the recommendation of a motion which I believe was perhaps brought by you, Madam Speaker, will now seek to put in place a family unit. I believe that this is a commendable achievement in that these issues by their very nature are extremely private and can at times be embarrassing to all parties concerned, needless to say the children and the juveniles that are involved. If there is an appropriate unit, be it the family unit within the Police Department, I believe we will find that women or men, who are the victims of domestic violence will more readily and easily come forward and feel more comfortable in lodging their complains.

Perhaps, there may be a more experienced and understanding ear to deal with in an expeditious fashion whereby it does not become consume with the many other competing crimes pending resolutions thereof.

Madam Speaker, we all know that although we live in a modern society in Cayman, there is still an unforgivable level of domestic violence that is still occurring within our community. Many of our mothers, daughters, or sisters are being physically and verbally abused and, yes, even emotionally abused within this society. We must continue to strive towards zero tolerance as far as it relates to domestic violence.

I know in other forums that I have had an opportunity to speak on this issue, I get the usual response that men are abused as well—yes, there are instances in which men are abused. They may not admit it sometimes, but there are some brave souls that come forward and say that they have been abused. I believe that there should be just as fair and equitable treatment for them in this regard and that the easiness of the accessibility to the enforcement rights should be there as well.

Madam Speaker, we realise that to some degree, however, this will no doubt necessitate a change culturally as well as attitudinally. We here in the Caribbean have come through an era where like some other jurisdictions women were referred to as property and, perhaps by the more conscientious ones, assets rather than liabilities. Nonetheless, I would like to think we have far removed ourselves from that type of attitudinal thinking and we, therefore, believe that domestic violence must and should be treated seriously by all enforcement arms of government, be it here or elsewhere, because women are not the properties of men and abuse is a crime.

Madam Speaker, this may seem a bit trivial to those of us here in this honourable House in that I am sure we would all treat domestic violence as a crime. For several years when I was a legal practitioner, a lot of my time was dedicated to dealing with family issues either directly or indirectly. It was not uncommon to see the lackadaisical attitude that some of our enforcement arms took towards domestic violence. To some degree you could see why that was being taken if there was no proper education process to let them be aware that it is crime.

Some of their complaints were that the women would come forward and once it was time to go to court they would change their minds and a lot of time was being 'wasted' when they could perhaps be dealing with 'real crimes'. If that attitude were taken then there would not be any deterrent for those persons who are victimising the women and the children in our society. Our enforcement arm must continue to take this as serious as any other crimes because often times we find that more serious crimes including murder will come out of violent domestic situations.

As we all know, recently there has been a spate of rapes in our communities and I know in the Prospect area there have been a number. I believe, Madam Speaker, that I am safe in saying that for the first time in a very long time, the majority if not all of our women within the Cayman Islands are scared to be out on the roads at night or even in the safety of their homes at night. Again, in the Prospect area, I know of a particular instance where they were at home at night. This should be so in a small society and I believe that every effort



must be taken to reassure females that these types of crimes are very serious. And, the amendments that are needed to the Penal Code will be expedited and they will come before this honourable House without any further delay so that they can feel that there is a real deterrent to these persons who are running around acting in a very undesirable manner.

Even the men who are present here today perhaps hear have wives and girl children. It is not a very nice situation when there is a case of incest or rape. Unless sometimes you walk in the shoes it is difficult to really perceive all of the emotions that become bottled up into crimes like these. Perhaps, it is only then that one can fully realise the depths of concern that a woman will feel for these types of offences and the dire concern for them to be properly addressed and to be concerned as serious crimes by all.

Madam Speaker, I believe (as I said earlier) that the additional policemen will also afford the Commissioner of Police more backup. But, in addition to that, I believe we helped the Commissioner significantly when we voted on the additional half million dollars a few days ago in Finance Committee, which will now enable him to pay the overtime to the Policemen that came about mainly because of the extra and onerous duties that they were called upon to perform at Northward during the riot times last year. Traditionally, although they were uniformed services, they were not being paid. And now that they are being paid, it is my understanding that this will allow the Commissioner of Police more personnel that can come back on in full strength so that he can have the tools that is needed to do what society expects of him.

I can say that I have worked and talked with him on many issues and I find him as a very forward thinking person, very willing and easy to co-operate and to listen to the issues relating to women. We have had several occasions to talk about the issue of domestic violence and the need for it to be perceived as a serious crime throughout the entire force. I can truly say that I believe he is committed to ensuring that all members of his staff view the issue of domestic violence as a serious crime and to so treat it.

Dealing now with the issue of the veterans which is also one of the responsibilities under my ministry. This year as was promised, and the previous year, we were able through the help of honourable members in Finance Committee to increase the veterans monthly stipend from \$250 by adding an additional \$150 bringing it to \$400 per month. Although we realise that the cost of living is quite high and, yes, they did make a very significant contribution to our society in the pursuit of peace and harmony during the time of war and conflict, this is but a small contribution to them. We nonetheless feel it can go quite a way in improving the standard of living for many of our seamen and veterans.

From the correspondence and calls that we have received in the ministry, we know that they are truly appreciative to all members of Finance Committee for this gesture on their behalf.

I would also wish to commend the veterans for the involvement that they have become engaged in throughout their community. I know that I can safely speak, in particular, with the veterans and seamen from Cayman Brac being more familiar with their activities there. When anyone of their veterans pass on, they make it a matter of commitment to turn up to the funeral and actually have a guard of honour. Most of these men are quite elderly and its really commendable to see them stand there, sometimes limping to get there for some fifteen minutes at both ends of the casket, showing their last respect to their seamen. Not only has this gained more respect for them within the community, but it keeps a continued awareness within the community of the unity, cohesiveness and the mutual respect that they have for each other, which is another traditional Caymanian trait that I would wish to see preserved through many generations to come.

Madam Speaker, the veterans have also worked very diligently to ensure that benefits, which are their entitlement, were not forgotten, in particular in the area of health. My good friend, the Minister of Health has worked with them together with other members of government to ensure that they are still in a position to receive medical attention without having all the high financial cost associated with it. Even as we move into the insurance spectrum of the health side, consideration has also been given to ensure that the veterans' medical needs are well taken care of.

Madam Speaker, with the contribution that is given to the veterans, there have been several questions that have come to my attention as to what happens upon the death of a veteran. Would the spouse receive half of the benefit or would she receive the full benefit? I am pleased to say, Madam Speaker, that in the case of a veteran when the spouse (usually it's the man as it relates to veterans) dies, the wife receives one hundred percent of the benefit unlike the case with the pensions, where in some cases (I believe I am correct in saying) the wife would receive only half or vice versa. Perhaps, at the appropriate time that may be an area that needs to be looked into as well.

As far as community programme grants are concerned, I am pleased to say that the ministry is continuing to offer various grants in this area. The grants are not only for youth programmes, but we give a yearly grant for community youth workers. When there was a sharing of the ministry in 1997, my friend the honourable minister got the responsibility for Social Services. The community workers went along with Social Services. But we still provide a grant for our youth workers and we assist the community workers where possible as well as providing grants for beautification of communities.

I can report that in most districts, if not all, they have been working diligently—some longer than others—and they have been making a positive impact be it through the CoDACs or similar community groups. We also continue to offer our grant to the McField Rehoboth Centre in George Town and we have put together a management committee to oversee the overall running and man-

agement of the centre. I believe we give some \$75,000 annually for that establishment to go on. I believe they now have over 40 children and they do a number of programmes including training of the youth, the senior citizens' club, meals on wheels and adult basic education. I believe that this \$75,000 is a worthwhile investment as they have really extended beyond the call of duty to reach the various different arms and elements of the community where there is a need arising.

I wish to extend my sincere gratitude to the manager of the facility, Ms. Beulah McField, and her staff for their dedication, their care and concern, and for the commitment of these young children at the centre.

Under the auspices of the Community Affairs Ministry, we continue to have a policy of funding the beautification community. I know the community in West Bay this year as well as the one on Cayman Brac really went all out in their attempts to beautify the various parks throughout the districts. It was really appreciated. Throughout the entire Christmas we had the elderly and the youth gathering together at these focal points and enjoying the thousands of Christmas lights that were put up by the beautification community. I would also wish to commend them on the splendid job that they are doing in keeping these areas extremely clean.

Madam Speaker, I believe that we all need to take full pride in our communities and be responsible for taking care of them. When we have a royal visit, for example, there is a great effort to clean up the islands and to make sure that we show the Cayman Islands in the proper light. Although it has been expressed, I wish that much more had been done as far as making more persons aware of the visit and really getting the community effort going in cleaning up and beautifying the area.

Madam Speaker, especially when one drives through the Industrial Park area of George Town (and I am sure that those of you who are from other districts will perhaps know other areas better), there is much that can be done to really beautify the roadside and keep it clean. Although the Department of Environment does its very best, unfortunately we still have members of our society who really don't think anything of driving along and throwing debris out from their vehicles. It makes it extremely hard for the Department of Environment to keep a tab on this. But especially since the Prince is coming, I thought that a bit more effort could be put into really cleaning up the place because you can say whatever you wish about us, but we Caymanians like to maintain a very tidy and a very environmentally friendly homes. We wish that hospitality to be extended to the Prince or any other dignitary that visits our island.

While I am on that topic, as I was walking into this edifice this morning, the thought also occurred to me that this is indeed the Parliament building. I am not sure whether funds have been provided or indeed requested, but I would make an urgent plea in this particular forum, Madam Speaker, that the landscaping in the front of this building could be somewhat enhanced. It is a very important building, as is the Glass House and the Court House, and we have tons of prisoners sitting down and

tons of people looking for work. Let us take some time and put together programmes with the Agricultural Department to ensure that we here in the Cayman Islands can be amply proud of our public buildings and the surrounding areas.

Madam Speaker, I am not saying that to cause embarrassment or to be unduly critical of any particular department because I too am a part of the government and would share some of the responsibility. But I also feel that sometimes when things are not talked about, we take it for granted that there is a level of acceptability and that all is well. I mentioned it for the mere fact that I have been approached by members within the community, here in Grand Cayman in particular, asking what's happening and where is the cleanup that we have become accustomed to whenever we have a royal visit. So, perhaps, if there is still time and if there is the will to do it, we could see some activity in that regard for the remaining few days before the visit.

Madam Speaker, I will briefly turn to another area in my ministry that deals with labour and the issue of gratuities, which has been problematic for many years. Members will recall that we have put in place a substantive post for an accountant to be employed. We hope (that is, the government) that once this person is employed within a few months, he or she will be able to go around and do a closer inspection of the books at the various establishments so that we can really put this matter to rest.

I can say that since the establishment of the six Labour Tribunals and the Labour Appeal Tribunals that the backlog has been greatly reduced and labour disputes are being dealt with in a much more timely fashion.

I also wish to thank those members who serve on the Labour Tribunal as well as the Appeals Tribunal, who put in some very long and ungrateful hours for very little pay to ensure that the various labour issues are resolved which they face on a weekly basis.

Madam Speaker, the issue of labour is never an easy one. It is a most complex and often controversial issue, sometimes difficult to really find resolutions for. I realise that there are elements in our society that are paying wages that are less than desirable, especially as it relates to the hospitality world. It has been brought to my attention that, for example on the Brac, there is one establishment that is still paying \$2 plus per hour for staff that has been there in excess of fifteen years. It is not unusual for them to get a 25-cent increase over a five year period.

Although no one wishes to have a society which is constantly regulated, I think the minimum wage concept is becoming more of a reality. We do have Caymanians who are being taken for granted as well. I am sure there are other residents who find themselves in this vulnerable position. As members know, there is a select committee that has been put together on the minimum wage. I have asked my staff since the beginning of this year if they could now address their minds to preparing a discussion document for the select committee, gathering the information from our human resource specialist as well as the expertise from the Director of Labour so that

we can have a stepping stone in the select committee to look at and see how we can best address this issue in the select committee and then report to the House thereon.

I would have hoped, Madam Speaker, that the businesses involved would have exercised due diligence and paid staff reasonable sums of money. But obviously this does not seem to be the case in some establishments and, in particular, the one that I mentioned in the Brac. I am sure other members have the same thing in their districts.

Madam Speaker, we are still not up to a full complement as far as the labour inspectors are concerned. It has been approved, but we are still awaiting the requisite space for the labour inspector. We have been promised that we will get that this year. I look forward to that so that our labour inspectors can really get to do the job that they were hired to do at their full potential and can really start to get out in more of these establishments and see what is going on. This gratuity problem is a serious problem for a lot of people in that the amount of money is often used to supplement the salary that they are receiving which is already too little for most households. Unfortunately, again most of these are women working in the hospitality world. I believe, Madam Speaker, that we must now try to do whatever we can as a whole body collectively to address these issues in a timely fashion.

Madam Speaker, on Cayman Brac (if I could just quickly revert to that area) although we have some persons still in the area of agriculture who wish to continue that traditionally or commercially, we are faced with some difficult circumstances as it relates to water. We are grateful for the bulk storage establishment that we have in the West End and it has been of tremendous help. But the representation that I have received from the farmers is that often times it has proven to be quite expensive. I discussed this with the honourable minister at some length, and I am sure that he will continue to work with the farmers on the Brac to do whatever is possible to ensure that the water will be available at a reasonable price. And whenever funds become available within the Water Authority that a serious look can be taken at extending the water supply on Cayman Brac.

We realise, Madam Speaker, it will have to be done in stages because it is a very expensive exercise. But persons on the Brac are quite content for it to start from the bulk storage centre in the West End, moving towards the eastern part of the island over a phased period, which will probably take a number of years. As development continues, those who are familiar with the Brac realise that the water in particular in the western end of the island is of very poor quality. Although very costly, this is a project we believe is needed, in particular on the Bluff, if we are to see development take off in a meaningful way.

I also wish to congratulate the Minister of Agriculture and the Agricultural Society for the splendid show that was put on last week, and for providing a venue where families could go out to spend a day and engage themselves in wholesome activities which were safe and en-

joyable where they were able to see quite a number of things of "things Cayman." To me (and I am fairly close to farming), some of the produce there was of surprisingly high quality—not just in the vegetables and the fruits but the cattle as well. I commend them for their efforts in this regard.

We also wish to put on a mini-agricultural show on the Brac. We are working towards that in July, the long weekend this year. We realise it is going to be quite a job to take on, but we got the undertaking from the agricultural personnel in Grand Cayman, namely from the Agricultural Society, and the Minister, that they will do whatever is possible to ensure that this happens. I really look forward for those plans becoming a reality within the next few months.

Madam Speaker, I am also grateful that for the first time (as far as I am aware with a royal visit) that one of them is finding the time in their most busy schedule to have a short visit to the Brac. Often times for a number of reasons it is not possible and the visit is made to Grand Cayman. I would like to especially thank the Honourable Chief Secretary, the First Official Member, as well as His Excellency the Governor and other parties involved, in seeing that this actually happens.

On Monday, the Prince will be arriving on the Brac for a few hours. The significance of this is that although an invitation would be normally extended to 30 or so persons it did not offer the opportunity for the remaining residents of the Brac or the Little Cayman to even have a quick glance at the Prince or any other royal person that's here within the islands especially our older persons who are even more committed and have even more emotion over this sort of festivity. So, it's a great joy that they will be afforded this opportunity, and I wish on behalf of them to thank all persons concerned in this regard.

I am also happy to see that with the activities an invitation has been extended for all members of the public to attend the reception at the Aston Rutty Centre. I believe this is the only way it could have been done rather than to have just a selected number because of the briefness of his visit. So, I am really grateful for this gesture on the part of those involved.

Turning now to the area of Sports: It is envisaged that this year (being the year 2000) will be a good year both on the national front as well on the international front. We have continued the policy of "Sports for All" within the ministry and we have endeavoured to improve where possible the various sporting facilities throughout all of the Cayman Islands. We have established programmes in many of the districts which will seek to enhance the better utilisation of the facilities, and we know that this is one area together with the area of maintenance where there is still much work remaining to be done. I believe, in all fairness, we can say that there has been an element of improvement in this area.

We have continued the policy of granting a number of sports grants, which has enabled some of our perhaps less academic to continue their tertiary education because they were able to excel in sports. We have in the

ministry, since early 1998 I believe, commenced a programme of accountability whereby we have drafted and implemented contractual agreements with the various sporting organisations and other grant recipients as we wish to instil more accountability and to ensure that when the public's money is spent that we are getting value for money in this regard. We have also asked for the various recipients to submit to the ministry business plans.

Madam Speaker, any change in the initial stages there was resistance. But I believe now that that stage has been passed, people are now realising that it is the best way to go. Not only does it offer protection for the ministry itself in the issuance of these grants, but those who are utilising these funds are protected and they must report as to how these monies are spent. I am happy to say that this has also received the endorsement of the Auditor General.

Many of our sports, including cricket, swimming, basketball, football, and a number of them, continue to excel. Especially with swimming, we have over 1,000 young swimmers involved in the programme and there is still on a daily basis I am told more persons making requests to become involved in the programme. We had hoped that we would have embarked on our 3-year pool facility development for swimming. Unfortunately that has been delayed to another fiscal year. But we trust that in the coming year, God willing, that we will be able to move forward with the construction of the pool in the eastern district, the pool on Cayman Brac, and a pool in West Bay so that we can continue the "Swim for All" programmes and we can continue to offer this facility to the school children and as well to our advanced swimmers.

Madam Speaker, I am also cognisant that the more advanced swimmers are calling for a 50-metre pool because they are at a disadvantage when they travel internationally to compete, whether it is in New Zealand or the United States, not having practised and trained in a 50-metre pool. As we probably all know, the estimated cost is some \$4 million and government did not find itself in a financial position to fully foot the cost of this. We would hope that it would be one of those projects that could be a partnership between government and the private sector so that this facility can be put in place as soon as possible.

Madam Speaker, we continue in the ministry to endeavour to recognise the efforts and the excellence of our sports persons and athletes within the Cayman Islands. We have done this not only by scholarships and grants, but, indeed, we have tried to hold various sports receptions and either hand out awards or attend their functions (whether it is here or abroad) and just try to lift their morale. We have also attended to our coaching complement, and I am pleased to say that with our national football team we now have a very competent and energetic caring individual. Having observed the level of football, it has improved and the boys are now playing in a more cohesive fashion with some work still yet to be done with their line strikes. But they are working towards it and are improving. I believe that football for a long time

will continue to be one of the more popular sports within the Cayman Islands.

Our youth programme for cricket has made tremendous strides and we have had a number of youth cricketers go across to the UK for a cultural cricket exchange programme. We are grateful to Cable & Wireless for the Crazy Cricket Weekend that they funded. They do an excellent job in providing on an annual basis by bringing down the professional West Indian Cricketers so that the young cricketers here in Cayman can see the wider picture and really get a full imagery of where cricket can take you and what cricket can do for you. So, in a few years, I would wish to see even some of our young cricketers vying for a space on the West Indian Cricket Team, provided they can get back to the standard of when Viv Richards was playing for them as opposed to some of their later performances against [other] international teams.

The ministry continues its efforts with granting both partial and full scholarships. Although there has been some degree of criticism in this regard, in that the level of academic prerequisites may not be as high as your normal educational scholarships, we felt that there was a need to fill this gap for persons who did excel in the sporting world to be afforded with an opportunity to receive tertiary education. That's why we have decided to continue this policy. And it's safe to say that both here in the sporting area as well as in the arts and cultures, where we try to provide a positive catalyst and motivation for our young Caymanians to study in these areas, those students have been doing very well and we look forward to good things in this regard.

We have also recognised the need for government to take a more active role in the recognition and economic contribution to our athletes who have attained an international standard. In this regard, we have entered into contractual agreements with Kareem Streete-Thompson. He is slated, along with Cydonie Mothersill, to go to the Olympics in Australia this year. We are hoping that for the first time Cayman will get one of the three Olympic medals, which will help to put Cayman on the world stage for millions of viewers.

There have been questions, Madam Speaker, as to whether this was something government should be getting into. But having assisted in the drafting of the contract and the negotiations with Mr. Kareem Streete-Thompson, I am confident that it is money well spent. The contract is so drafted that he has quite a bit of local commitments not only in attendance to local sporting activities but also in hosting and training at summer camps as well as assisting with getting sponsorship. Already *Nike* (his official sponsorship) has come forward and sponsored our local track team with uniforms and other attire, including footwear. So, we have already started to reap some benefits from this contractual relationship.

Madam Speaker, we at the ministry firmly believe that the role of sports continues to be a very important and significant tool in the shaping or fostering of the behaviour of some in the society. On any given day when

one visits the Truman Bodden Sports Complex, it's amazing to see the number of young persons (and sometimes those young at heart) making use of this facility and utilising their time in a constructive and positive manner rather than being involved in other deviant activities in the community. We realise that sports is a good tool for the better socialisation of members of our community as well as for the physical and psychological development of our people.

Today, Madam Speaker, we hear quite a bit about our youth, and if one did not know better we would be led to believe that all of our youth are just no good. Madam Speaker, I am here to say today that we have a vast majority of youth that are good outstanding and intelligent, who will do this country proud in years to come. Our investment in our youth at this time will be a good investment paying some very high dividends in the years to come.

Honourable members as well as the wider community would be cognisant that the ministry has embarked upon a youth policy. I am happy to report, Madam Speaker, that the final draft of the Youth Policy is in its completion stages. Within another two weeks or so, I shall be moving the draft policy on to Executive Council for their due consideration. As soon as it is approved, it will then be laid on the Table. At that particular time I will go into more detail as to the merits and demerits, and the findings and analysis that came about as a result of the new survey and the drafting of the said policy.

Madam Speaker, I fully realise that our country still has many infrastructural development needs. In this regard, now that the government has been successful in putting in place the hospital and a number of our educational needs as well as some of our road needs, I believe that we now need to bring up on the ring of prioritisation the need to pay more attention to the wellbeing of our community. Those things that we addressed were priorities. And I have given them my wholehearted support. But we live in changing times, and people continue to be an important asset. We must invest tremendously on programmes and facilities at this crossroad in our social development in the Cayman Islands, to ensure that our people have places that they can go to have quality family time, be it the extended or the immediate family, and that they are safe, clean, and modern so they can go for this enjoyment.

Madam Speaker, a few years ago when I was afforded the opportunity of being elected for the Brac and Little Cayman, I noticed that in most districts on the Brac because of the advent of the television, the Nintendo and Play Station and those other things, a lot of our people were staying at home. They were really losing that traditional heritage of gathering by the seaside or by the roadside and having discussions and passing on old Caymanian stories, where the older ones taught the younger ones or whatever it was. So, we embarked upon a programme where we constructed a number of community or focal meeting points, for example the West End Community Park, the Spot Bay Community Cove, and what is locally known on the Brac as the Panama

Canal, which is similar to the cove but it's the CNN of the Brac, we like to call it.

Madam Speaker, I see you are reaching . . . am I up to 4.30 p.m.?

**The Deputy Speaker:** Its that hour, do you expect to complete your debate within the next couple of minutes or—

**Hon. Julianna O'Connor-Connolly:** Madam Speaker, I did not think that during my time here that I would be asking for more time, but that seems to be case if you so wish.

**The Deputy Speaker:** Well then you can continue tomorrow morning.

**Hon. Julianna O'Connor-Connolly:** My pleasure.

**The Deputy Speaker:** I will entertain a motion for the adjournment of this Honourable House.

## ADJOURNMENT

**Hon. Julianna O'Connor-Connolly:** Madam Speaker, I move the adjournment of this Honourable House until 10.00 a.m. tomorrow morning.

**The Deputy Speaker:** The Fourth Elected Member for George Town.

## RAISING OF URGENT PUBLIC MATTER Standing Order 11(6)

### IMMIGRATION BOARD POLICY RE: GRANTING OF WORK PERMITS FOR JAMAICAN NATIONALS

**Dr. Frank McField:** Under Standing Order 11(6), I would like to bring a matter of urgent public importance to the attention of this House, by asking the Chief Secretary to give an explanation with regard to what now appears to be the Immigration Board's policy on the hiring of Jamaican nationals by Caymanian businesses.

It has been brought to my attention by members of my constituency involved in small businesses that they have had permits rejected by the Immigration Board and that the Board has given the explanation that these permits were rejected under section 31(j) and (k) which speaks of the general requirements of the community as a whole.

From conversations with certain person in the Immigration Department, I have been able to gather information which suggests that the Immigration Board has embarked on a policy of basing work permit grants on nationality rather than the merits of the individual applicant. This is a sharp deviation from what the community understands the policies of the Immigration Board to be with regard to work permit grants. This will certainly adversely affect many small Caymanian businesses who

have invested a great amount of time and money in their enterprises.

They have asked me to ask this Honourable House why the Government of the Cayman Islands is allowed to employ persons from any country in any amount they so desire, whenever they desire, and that this is not considered to be contrary to the general good. Although the complainants and the affected persons realise that the general public is concerned about the large number of immigrants, and, in particular, immigrants from certain countries, they do not feel that the Government's double standard serves to create fairness and a spirit of mutual cooperation between Government and the community.

Because of the large numbers of persons in my district and other districts affected by this type of action by the Immigration Board, I feel therefore that it needs an explanation. I am asking that the Chief Secretary under whose Portfolio Immigration falls give this Honourable House an explanation as to when this policy came into effect and whether or not it has been approved by the Executive Council; and further, to say what is the desired goal of such a policy, and what are the calculated effects such a policy will have on the various businesses in these islands. Thank you.

**The Deputy Speaker:** Honourable First Official Member I am prepared to give this question, that you reply to this in the morning once you have obtained the necessary information. Is that okay with the Fourth Elected Member for George Town?

**Dr. Frank McField:** Yes, Madam Speaker.

**The Deputy Speaker:** The Honourable First Official Member.

**Hon. James M. Ryan:** Thank you, Madam Speaker. That will give me time to get the necessary information.

**The Deputy Speaker:** The question is that this Honourable House do now adjourn until 10.00 a.m. tomorrow morning. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it. This Honourable House is accordingly adjourned until 10.00 a.m. tomorrow morning.

**AT 4.35 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 16 MARCH 2000.**

**EDITED  
THURSDAY  
16 MARCH 2000  
10.26 AM**

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

*[Prayers read by the Honourable First Official Member]*

**The Deputy Speaker:** Please be seated. I would like to apologise for the late start this morning, but the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture had a very important meeting that she had to attend to and she called and asked if we could delay the start until 10.15 p.m.

The first item on the Order Paper today is Reading by Speaker by Messages and Announcements.

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

**APOLOGIES**

**The Deputy Speaker:** I have received apologies for late arrival from the following: The Honourable Second Official Member responsible for the Portfolio of Legal Administration, the Honourable Third Official Member responsible for the Portfolio of Finance and Economic Development, the Honourable Minister responsible for Ministry of Education, Aviation and Planning and the Honourable Minister responsible for the Ministry of Tourism, Commerce, Transport and Works.

**HOUSE VISITORS**

**The Deputy Speaker:** This morning it gives me great pleasure to acknowledge the presence of the junior high school students and teachers of the Wesleyan Holiness School. We welcome you to the proceedings of the Legislative Assembly.

Continuation of the debate on the Throne Speech delivered by His Excellency the Governor. I would like to acknowledge the Honourable First Official Member.

**RAISING OF URGENT PUBLIC MATTER**

*(Standing Order 11(6))*

**IMMIGRATION BOARD POLICY RE: GRANTING OF  
WORK PERMITS FOR JAMAICAN NATIONALS**

**GOVERNMENT'S RESPONSE THERETO**

**Hon. James M. Ryan:** Thank you, Madam Speaker.

I rise to respond to the matter of urgent public importance raised by the Fourth Elected Member for George Town at the adjournment of yesterday's sitting of this Honourable House.

There has been no change by the Immigration Board in the policy of the granting of work permits for Jamaican nationals. Immigration Boards, both past and present, have sought to ensure that work permits are granted to applicants with different backgrounds and from different geographical areas, to maintain a suitable balance in the social and economic life of the Cayman Islands. This policy is consistent with Directive 5(4) of the Immigration Directions (1998 Revision).

The Board, when considering work permit applications, considers the number of employees on work permits and their nationalities, and as a result may then encourage the prospective employer to seek workers from a different geographical area if their workforce is already weighted with one particular nationality.

Section 30(1) (j), which the Member refers to, specifically addresses the issue of adequate training programmes and is totally unrelated to demographics.

Section 30(1) (k) encompasses many areas which may impact upon the requirements of the community as a whole as well as other matters, which may arise from the work, permit application.

Public concerns, as well as the work permit statistics indicate that a balance in terms of nationality should be maintained and as a result, the government has recommended that a flat non-refundable repatriation fee of C1\$200.00 be applied across the board for new work permits in order to offset any hardships which may be caused by employers having to recruit workers from other geographical areas. This change in the fee structure will come about with subsequent amendments to the Immigration Regulations. Madam Speaker, for the record this replaces the repatriation fee, which was on a sliding scale, and that will disappear once this new fee has been brought into force.

In some instances also, the Immigration Board will grant the work permit and advise the employer that in the future they should seek to recruit from a geographical area other than Jamaica or Honduras. Thank you, Madam Speaker.

**The Deputy Speaker:** I will use the discretion of this Honourable Chair to allow a few questions, if the Honourable First Official Member is prepared to take these questions.

The Fourth Elected Member for the district of George Town.

**Dr. Frank McField:** Would the First Official Member say whether or not as early as December 1999 the Immigration Board has been advising persons to seek employees outside the geographical region of Jamaica or Hon-

duras? And has the Immigration Board not, since that period, denied work permits because the employees were from the geographical area of Jamaica, making that the primary consideration of the denial of the work permit rather than the needs of the specific business?

**The Deputy Speaker:** Honourable First Official Member.

**Hon. James M. Ryan:** Thank you, Madam Speaker. Even before December 1999 (and I alluded to this in the statement) Immigration Boards both past and present sought to ensure that work permits were granted to applicants from different backgrounds. Yes, the Board has invited applicants to seek an employee from a different geographical region, but, to my knowledge, no work permit has been refused purely on the ground that they were from a particular geographical region.

**The Deputy Speaker:** The Fourth Elected Member for the district of George Town.

**Dr. Frank McField:** Madam Speaker, the essence of what I am trying to do here is to clarify for the public using the service of the Immigration, and for me so that I can sensibly address the queries being raised by members of my constituency. If we are vague, then we will end up in the same position. So I just need to ask the Chief Secretary through you if an application for a specific business was not denied as recently as this week because an applicant—and I am prepared to provide him with the information off the air, the business, the applicant, the justifications, the support and evidence based upon the fact that it was the opinion of the Immigration Board that because two of the employees were already Jamaican they would not give an additional permission for that person to hire another Jamaican, and that person had to seek an employee from a different area.

Did the Immigration Board in doing that consider the fact, for instance, if you are dealing with Negro people's hair, whether or not, you could get somebody from Ireland or Switzerland to be able to perform those specific purposes? Are the specific needs of the business taken into consideration? And would the honourable First Official Member be able to tell me at a later date if he feels confident that the Immigration Board has looked at all the factors and not just the question of the nationality of the applicant?

**The Deputy Speaker:** The Honourable First Official Member.

**Hon. James M. Ryan:** The Immigration Law requires that reasons be given for a refusal, and I invite the Fourth Elected Member for George Town to let me have a refusal letter that states only that the refusal was because the person was from Jamaica.

A refusal will state the reasons, and may include the particular section or reference to this, but there has been no refusal purely because a person is coming from Ja-

maica. I can assure the honourable member that the colour of a person's skin or the hair of an individual will not influence the decision of the Board.

**The Deputy Speaker:** The First Elected Member for the district of West Bay.

**Mr. W. McKeeva Bush:** Madam Speaker, can the Honourable First Official Member say whether people or businesses were informed at any time to get employees from other geographic areas? If a business had them [employees] from Jamaica, were they written to get them from other geographic areas?

**The Deputy Speaker:** The Honourable First Official Member.

**Hon. James M. Ryan:** Yes. Instances when letters are sent out to employers where the ratio of their employee is weighted heavily in favour of, say, Jamaicans, there would be an addendum to that letter that would encourage the employer to seek employees from other geographical regions.

**The Deputy Speaker:** The First Elected Member for the district of West Bay.

**Mr. W. McKeeva Bush:** Can the Honourable First Official Member say if any policy was put in place to consider the length of time the employees had been living here in these islands?

**The Deputy Speaker:** The Honourable First Official Member.

**Hon. James M. Ryan:** When a refusal letter goes out that includes the reference to geographical areas it will be in respect of a grant—not in respect to a renewal. So, it will be a first-timer to the islands. Certainly, the length of time a person is on the island would definitely be taken into consideration by the Board.

**The Deputy Speaker:** I will allow one more question on this subject. The First Elected Member for the district of West Bay.

**Mr. W. McKeeva Bush:** Madam Speaker, because of the nature of what we are dealing with, I won't read this letter. But I will ask the First Official Member if any such letter has been sent to anyone and when he sees it, he will understand why I am not reading the letter.

**The Deputy Speaker:** The Honourable First Official Member.

**Hon. James M. Ryan:** Madam Speaker, the first line of this letter refers to an applicant of the grant of a work permit. And this is the point I was making earlier that if it is a first time grant, and the business, the employer that is, is weighted in favour of a particular jurisdiction then,



yes, the person is encouraged to seek to recruit someone from a different geographical area.

I think to put this into perspective I should point out to this Honourable House and the listening public that a press release that went out not too long ago showed that more than 50% of the work permits currently in effect are in regard to persons coming from Jamaica. There has been public concern about it. The Board is not trying to be difficult. The Board is just trying to do a balancing act in keeping with the call from the general public of this country.

**Mr. W. McKeeva Bush:** Madam Speaker, I know you said that was the last question, but can I indulge your patience for one more?

**The Deputy Speaker:** I cannot allow my patience to be further indulged, because then another member is going to want another question, and then another member is going to want another question. I have made a ruling, and I would suggest that any member that has further questions meet with the honourable First Official Member in the committee room and ask that he would give them further information regarding this business.

The next item on the Order Paper today is Government Business; continuation of debate on the Throne Speech delivered by His Excellency the Governor. The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture continuing her debate.

## GOVERNMENT BUSINESS

### DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. PETER J SMITH, CBE, GOVERNOR OF THE CAYMAN ISLANDS, ON FRIDAY, 18 FEBRUARY 2000

*(Continuation of debate thereon)*

**Hon. Julianna O'Connor-Connolly:** Thank you, Madam Speaker. Permit me also to publicly thank you for your indulgence in allowing me to complete the meeting I had this morning and to be here in time to continue my contribution to the Throne Speech.

Yesterday, I took the opportunity to deal with a number of areas within the ministry for which I have been given responsibility, and today I wish only to touch on two remaining areas not necessarily of direct connection, that being Cayman Airways, and the issue relating to housing and poverty.

Firstly, Madam Speaker, I would like to commence by dealing with the issue of Cayman Airways. I am sure you will agree that it is no secret that in recent times, particularly this past weekend, our national flag carrier experienced a multitude of problems. Whether they were of a mechanical nature or other reasons, no doubt thousands of dollars have been expended which was unforeseeable at the time. However, the purpose for speaking on this issue is in no way to point fingers or to blame the board, the ministry, the manager, or the staff. But I be-

lieve that there should be accountability. I am confident that the Board of Directors and the ministry with a unified effort can deal with this at the appropriate time and in the appropriate forum.

Be that as it may, I would like to say once again that I firmly believe that we here in the Cayman Islands need Cayman Airways. As I mentioned yesterday it's our insurance flight policy to and from the islands but we also have some 300 plus persons, many of whom are Caymanians, who are employed with our national airline. Therefore, I believe that it is extremely vital and important that we do whatever it takes to ensure that Cayman Airways survives this saga, and that the steps and policies are put in place to ensure that as far as possible and practical that there is no recurrence of this past weekend.

I believe that for this to be fully realised, there must be absolute teamwork. And this teamwork, I would respectfully submit, will not only involve the cooperation of all board directors and the minister responsible but indeed the cooperation of the full top management team as well as the 300 plus remaining staff at Cayman Airways.

Madam Speaker, it is my view that in order for the board to operate in a timely and expeditious fashion, and to be in a position to make informed decisions, that at all material times the board must be presented with current, relevant, professional and technical information. By the same token, I believe that the Board of Directors must feel comfortable in giving directives to top management and the remaining staff based on this current information, based on full and frank disclosure from management and other relevant professionals, coupled together with the knowledge of the individuals and corporate knowledge of the Board of Directors.

As in all human relationships, I believe that the key element of success is found in the heart of negotiation and indeed of communication. This has to be a two-way street. It makes absolutely no sense for me to endeavour to communicate by written form only if it is found that this is not satisfactory and that the message is not being carried through. I believe that it is prudent . . . and the onus should be placed on the persons concerned to ensure that every medium is used to facilitate clear and accurate communication to all of the parties concerned.

Madam Speaker, year after year, this honourable Finance Committee has voted, I think to the tune of \$4 million in our annual subsidy and in more recent times that has increased to an extent in that there is some \$700,000 to \$800,000 placed in the annual budget for advertising purposes. So, in actual fact it is just under \$5 million that is given by way of subsidy to Cayman Airways. I believe that the minister can be commended in this regard, in that over the past few years that subsidy have pretty much remained constant and he has not had to come back to the honourable House or to Finance Committee on ad hoc arrangements to increase the sums. But I believe if the situation is allowed to continue without it being fully discussed and resolutions found to the current matters that we are now facing at Cayman

Airways, it is not impossible to envision that the airline could be in this situation in the time to come.

I believe that Cayman Airways has always had very loyal and dedicated staff. Indeed, I can say without fear of contradiction that Cayman Airways has some of the best pilots in the entire world. I have said that having had the privilege of travelling to many, many destinations around the world and landing with many different airlines and pilots. I feel quite confident when I board Cayman Airways and see our Caymanian pilots or resident pilots in the cockpit. I am also quite familiar with the maintenance team that we have at Cayman Airways, which is headed by one of our very capable Cayman Brackers and other Caymanians who are quite capable.

I know, based on firsthand experience, that their first priority is that of safety. Madam Speaker, although Cayman Airways cannot boast of a perfect record of being on time, we certainly can boast of a very high standard of safety. I pray that the Lord God would continue for this to be one of the positive things that Cayman Airways can boast of.

Madam Speaker, one of the main criticisms we often tend to hear is that the aircraft is too old. But having taken the time to speak to the engineers and those who would know much more than I, not being an aviation expert, I am made to understand that when Cayman Airways aircraft are taken in for C- and/or D-checks that it undergoes a major overhaul. As a matter of fact, when they return from these major checks, the engines and other operational parts of the aircraft are like brand new.

Therefore, I believe the perception that they are old needs to be fully explained to the public because as I tried to explain yesterday, perception, if it is left in a muddled state, will become reality. It's really unfair to Cayman Airways and its staff for this to remain the status quo.

I believe where Cayman Airways can make improvement, as far as its physical assets are concerned, is fairly straightforward and, in my opinion, not very expensive at all. When it comes to the staff, the flight attendants by the same token are some of the friendliest and most helpful flight attendants that one can find. They really do go the extra mile to ensure that their passengers are made comfortable. I believe that the interior of the aircraft can certainly take a facelift, as it were, and I also know that this has been brought to the attention of management.

I am made to understand that seats have been ordered, but because of a truckers strike in the United States, the arrival of the seats is not anticipated for another three or four weeks at which time maintenance will proceed to have these seats installed.

I am also aware that the main aircraft where this problem is most noticeable is in the aircraft that we refer to as CKX mainly because of the types of seats that are there—they are heavy and bulky. We often get the criticism that there is insufficient legroom. I know that from personal experience! Even the minister last night, being as small as he is, acknowledged that he himself has difficulty sitting in the seats on the CKX aircraft. So, I know

it is a criticism that has been taken well on board and the management and board of Cayman Airways have invested in these seats.

In addition, our marketing team listened to the customers, in that customers were saying *'look we are a commercial and financial centre in the Cayman Islands, we wish to support Cayman Airways but we also like to travel first class.'* So, we have taken this on board and the decision has been taken to remove some of the seats in the existing aircraft and to install two rows of first class seats. Those seats have been ordered and their anticipated arrival is in another three to four weeks, at which time they will be put in place.

We have brought to the attention of management that the mere installation of the first class seats—especially after the chaotic arrangements this past weekend—will not be sufficient to gain back the loyalty and the trust of many of our customers. I know I spent a tremendous amount of time at the airport these past days trying to get teachers, students, and guests, back to Cayman Brac and to Miami.

The main problem that I saw on a firsthand basis (as well as being told) . . . because it didn't take long for them to recognise that I was a director and a Member of Parliament . . . and I believe I hit quite a bit of wrath that was there. But, at the same time, I did not mind doing that because I believe that in these situations we should not just leave the frontline staff who oftentimes are not in the position to make these decisions, to take the wrath from the disgruntled passengers and customers—those who have been most inconvenience by whatever has occurred.

So, Madam Speaker, the main complaint this past weekend and other long weekends, in particular when we experienced difficulties with our aircraft, is that the information is either not being fully communicated to the awaiting customers, or that there is no information at all that's being communicated. This is what I refer to as something that can be corrected which should not really cost very much. It is a matter of open, frank, and full disclosure.

We have spoken to management, and they have agreed, that they will be ensuring that this policy which was already in place with the airline will continue and that as soon as possible passengers will be made fully aware of the difficulties that airline may be experiencing. Not only that, but I believe that we at Cayman Airways have a duty to the travelling passenger to ensure that, first of all, the air-conditioning at the airport is not turned off from early in the night. If it necessitates that a complaint be made to the Civil Aviation Department that this small comfort be afforded to the passengers, then I believe that this must be done. I believe that arrangements must also be put in place to adequately feed the passengers whenever there is a delay; and, if the need arises, to put them in a comfortable place so that they can be fully accommodated. Without the funds derived from the passengers—who are quite loyal—Cayman Airways could not remain a part of our infrastructure here in the Cayman Islands.

I also know that most of our market share comes from right here in Grand Cayman. Caymanians are extremely loyal to Cayman Airways. For the very first time this weekend I heard a number of Caymanians making comments that they would never ever fly the national airline again. I would like to think that was said out of pure frustration, but that their deep desire to see Cayman Airways continue as vibrant operation would prevail and would be an overriding factor, that they will come back to us at Cayman Airways; and that Cayman Airways will stick to their side of the bargaining and try to make the best of the situation that we have.

Within a few weeks I am told that we should have the third aircraft in operation and the airline will be seeking to move with the implementation of a new schedule. There have been complaints, of course, from the pilots and from other members in the community that this schedule is somewhat ambitious. But I would say that for anything to work it will take teamwork. If there are concerns, then there are proper avenues for these concerns to be pointed. Together I believe the pilots, the remaining staff and the top management should and must sit down to resolve these problems, be it with the minister or the board (as was done last night for many hours at the hangar at Cayman Airways).

It was amazing to see the difference in the faces of the staff once they realised that top management and the board were willing to sit down and listen to their concerns. No, we were not able to solve all of the problems last night with Cayman Airways. But at least we were able to listen and gather the information. We answered what we could, and we did give an undertaking (for the information of this House and for the public) that we would do whatever it takes to ensure that our national airline would continue to survive for years and years to come. It has the full support of the government and I am sure of other honourable members in this House.

There must be prudent management and there must be fiscal financial control. There is a need for change. We all realise that. But we believe that that change must be done taking into consideration the culture and the traditions within the Cayman Islands. It must be fully realised that Cayman Airways, being a small company, has operated as a family for many years. People do take objection when they are passed in the hallways or in the airport and a hello is not said to them by management or by the board or by the directors. We realise that in larger operations this is not possible. But small things like this, saying "thank you" to the staff for the good work that they did in coping with difficult situation this past weekend, are some of the things that the staff asked for last night.

Again, I believe this will not cost us any money just a bit of our time to say *'Well done! You did a good job and we appreciate you.'* I trust that from here on out we can put those difficulties behind us, whether they are of a personnel or technical nature, and really move forward with the main objective that Cayman Airways has to survive and that the importance of the national airline is of such a high level that we are prepared to do whatever it takes to support it within reason.

Now, Madam Speaker, if I could now turn my attention to the other issue I indicated I wished to speak on briefly this morning, and that is the issue of housing. On the surface, it would seem that we are quite a prosperous jurisdiction, and that there is very little housing concern. But when one takes the time to walk around the various districts (as I am sure most honourable members have done from time to time), we can see that the situation is not as rosy as the initial perception would be.

I have been fortunate enough to spend a number of years at the Central Planning Authority here in George Town. I have seen all types of structures, from the million dollar structures to the very poor. Believe you me Madam Speaker, I had a rude awakening some two Saturdays ago when I was invited by a teacher from the George Town Primary School to accompany her to see one of the structures—that's really an injustice but I can find no better term to describe what one of her students was residing in in George Town.

Just coming from commercial George Town it is a matter of seconds before one enters into this yard. For a while (I am not kidding you), I really felt that I was in Haiti or in Bolivia, South America, or one of those Third World countries. The best structure in that little area was a container that had been painted up with a wooden roof, and two glass windows put in it. Although I know from a planning perspective that containers are illegal, I must tell you, I could not find it within my heart to report those persons because that was the best structure in that neighbourhood.

I then proceeded with the teacher to go to the back of the container and there was a shack, to put it simply, I would venture to say about 8 x 18 to 20 feet. It's a single Caymanian mother living in the house and she has five young children. The reason that this teacher was able to ascertain that this was the situation was that she noticed that the 7-year old child (one of the five) . . . other students in her classroom were refusing to sit by this young child because of the poor manner in which he was attired and the poor physical hygiene that this child had. So, she arranged from her own personal money to purchase two uniforms for this child and to get permission from the principal of the school for the child to take baths at the school before school started.

Madam Speaker, this is Cayman. And I am really ashamed to have to speak of this, but I have taken the other avenues that I know that were available to me and I feel that I am compelled to bring this to the attention of honourable members. If there are any members that, for whatever reason, or any members of the public that do not believe it, trust me, I will take my time and get permission and show you the condition of this house in central George Town, which we can almost walk to from where we are now sitting today.

When I entered this structure, Madam Speaker, there was hardly any space there. There were holes in the roof, holes in the side because it is obvious that it was old material that was used to put it together. It is by no means even. I don't know how it even survives a Nor'wester. There are holes in the floor. There is no

proper bathroom. There is electrical wires running all over with extensions. Madam Speaker, I think, what really got to me was when I asked the little boy, *'where is your bathroom?'* and he pointed out to me a 5-gallon bucket that is being used by the five children and the mother in this little shack in George Town.

Madam Speaker, even as I speak, unless it was done this morning, the children are still attending school without free lunches and without proper uniforms. The teacher has made representation; the parent has made representation; I have made representation. And this morning I am making an honest plea to members of this honourable House to let's do something.

The response that I got from parent, the teacher, and the little child, is that, yes, they have gone to the Social Services Department. But because the department has so many other priorities and so little funding to deal with it, they are but just another one in that category who is waiting a turn.

I believe, Madam Speaker, that as an interim measure we as members of this honourable House can certainly put funds together even for the first three months to buy lunch and uniforms for these children until the Social Services Department can find sufficient money, whether it is through supplementary expenditure. Although I am by no means rich, Madam Speaker, I am quite prepared to give a sum of \$500 towards this. I am not doing this for politics because members will appreciate that people vote for me in Cayman Brac and not in George Town. But as a parent, it has really affected the way that I think about what is happening in the Cayman Islands.

I believe that if we can set the example here today and donate this money . . . I am not asking for members to give X amount, but whatever your heart tells you to give. I believe it would show the people that members still care and are concerned about what is happening in our country. I would be happy to deliver it with members or as a representative of members to the teacher concerned, who I am sure would be happy because she has called me sometimes two or three times per day asking, "Julianna, what is the Government doing? What are the members doing? Have you made them aware?" I felt it was my duty and my responsibility to bring this to the awareness of honourable members because I am sure that this household is not the only one in George Town.

I believe that a survey should be done. I know that the census was done and we will get a fair understanding of the degree of this problem here in our community. But I know also that when people answer the census, although they are penalties, if they are in this situation they are a bit embarrassed to admit that they have to use a 5-gallon plastic pail for themselves and their children.

So, I believe that the time has come for a real serious study to be done on not just single women and poverty, but Caymanians and residents in poverty. It makes no sense to brag that we are the fifth largest jurisdiction from a financial perspective when we have poverty knocking us down and for whatever reason we don't seem to

be able to find sufficient funding to dedicate to this cause.

Madam Speaker, please let me say before taking my seat that I am not doing this to embarrass any minister, any government, or anyone. It goes way beyond the political round. If I have done so, I am woman enough to apologise and to take whatever licks I may have to take for it. But I believe that the needs of these children must go higher than egos—and the need is urgent and it must be attended to. Therefore, if there is any member or anyone in the public who hears of this and wishes to assist, if they will contact me or I am sure my good friend, the honourable Minister responsible for Social Services, we will both be more than happy to help this family.

I would also call on the Lions Club, the Rotary Club and the Kiwanis or any other establishment who can find it within their conscience to assist this family with the construction of suitable housing accommodation or in the interim, rental accommodation. I believe when members see this house, if they care to, if it is within their own means they will have that family removed. It is such a disgraceful situation.

Madam Speaker, having said that, I wish to thank you for your indulgence and for your patience and all honourable members for allowing me this time to make this contribution to His Excellency the Governor's Throne Speech. And perhaps I diverged from the normal ambit of the contribution, but I felt that it was something I needed to do.

I pray God's blessing on the continued deliberations of this House, may He continue to give us wisdom, guidance and discretion as we undertake to carry out the high calling of this office. I thank you.

**The Deputy Speaker:** Does any other Member wish to speak? The Honourable First Official Member.

**Hon. James M. Ryan:** Thank you, Madam Speaker. I rise to offer a short contribution to the Throne Speech delivered by His Excellency the Governor on Friday the 18<sup>th</sup> February this year.

Let me say at the outset that His Excellency put a tremendous amount of time both in and out of office on the fine-tuning of the speech. I know on one occasion he worked for some seven hours straight out of office on it. I want to offer him my warmest congratulations on the speech.

I believe that the Throne Speech has a considerable amount of substance to it, and I believe the comment has been made in the past on the occasion of Throne Speeches that sometimes they are little bit thin on issues.

In his opening remarks, His Excellency commented on a number of initiatives and issues including positive developments in immigration with the work permit system, improvements to the patrol system, the development of alternative sentencing by the courts and the introduction of legislation for the creation of the post of Ombudsman. Madam Speaker, the public service will

welcome such an appointment and we look forward to it becoming a reality.

His Excellency also announced the General Election to take place on 8<sup>th</sup> November. I want to take this opportunity to encourage Caymanians of all walks of life to check the voter's list and ensure if their name is not on the list and they are eligible to be on that list that they get the requisite form and do so. The last opportunity for persons to be registered will be in June, if they wish to vote in the general elections in November. I cannot over-emphasise the need for people to ensure that they are on the list if they wish to vote.

There will be no house-to-house enumeration of voters. I have had the Elections Office, Government Information Services, and the media put out a number of different calls. We have put out flyers, we have tried to do everything, and I know that all members of this House have worked very hard and continue to work very hard to get people registered. So, I again appeal to the public to make sure that they are registered. Voter registration cards will shortly be issued and we will no doubt hear some more about those shortly.

Madam Speaker, His Excellency also announced the retirement of the Cayman Islands Government Representative in the UK, Mr. Thomas Russell. He retires in August. I want to publicly thank him for all that he has done for this territory in his capacity as Cayman Islands Government Representative. He reports to my office and he is always two or three steps ahead of the rest of us.

Frequently when I arrive in the office in the morning there is a fax from him giving me information about certain things he has picked up, perhaps from a newspaper or from a meeting, whatever, pointing out the need for us to deal with it. The Honourable Second Official Member and the Honourable Third Official Member also receive their share of facsimiles and calls, and indeed His Excellency the Governor will get word from time to time from Mr. Russell. He has done an absolutely superb job. I can believe I can safely say he is in a class by himself and he has, I know, the respect of all members of this Honourable House. His Excellency will be arranging a suitable farewell for him a little later this year before he leaves office.

I also wish to congratulate Mrs. Jennifer Dilbert as Mr. Russell's successor. She is one of us, and a very able and well-qualified individual, and I think we are very fortunate to be able to get someone of her calibre. I look forward to her taking the reins of the London Office very firmly and carrying on the good work.

Madam Speaker, the Royal Cayman Islands Police Service (RCIP) has now moved to offering 24-hour patrol cover for Grand Cayman and Cayman Brac and, of course, for the completion of the police station in Little Cayman. This has been referred to in some detail before and I will not go over that, but I would say that there are RCIP under the able leadership of Commissioner Thursfield doing a good job. They have introduced a number of initiatives recently and one in particular I believe will be appreciated is the bicycle patrol. The criticism over the years that police officers breeze by in air-conditioned

cars is one that could not be allowed to go on indefinitely. Of course, police officers travel long distances by car, but I believe that with police officers getting out on bicycles and on the beat, we are getting back to the old days.

I remember growing up in Cayman Brac and seeing a police officer riding a bicycle and that closer contact with the police did a lot for us there. I am sure the same thing happened here in Grand Cayman. I believe this will assure the public that they have police officers there to protect them. If they are visible on foot or on bicycles (and, of course, in cars) the people of this country will feel much safer.

Madam Speaker, the events at Northward Prison have been upsetting and distressing to every law-abiding citizen of this country. I first advised His Excellency the Governor of the trouble at Northward Prison by fax and phone calls in late April last year even before he took up duties as our Governor. As we all know in late September and early October, there were riots at the prison that culminated in the destruction of a large portion of that facility.

Madam Speaker, I believe that lessons have been learned from those events, and as a result, we are in the early planning stages of developing a modern, secure, penal facility for this country. A secure prison system has been long overdue for Cayman, and I look forward to seeing a maximum-security prison and a female prison constructed in the near future. Residents of this country deserve the right to live here without being afraid of prisoners on the loose. But to make this a reality, we have to build a secure prison to keep prisoners incarcerated.

Madam Speaker, a temporary Director was recruited for Northward Prison last November. Mr. Nicholas Brooke came and took command and dealt with many of the problems at the prison. It was indeed a daunting task but he took it on ably, assisted by Mrs. Clara Range, the Acting Deputy Director. They were assisted by the entire team at Northward. I wish to thank them all and in so doing, I wish to thank the Commissioner and the RCIP for all that they did and continue to do.

I also want to thank my Deputy, Mr. Donovan Ebanks for the support that he has given at Northward. As a former PWD Chief, he was right in his element as the rebuilding of Northward Prison took place.

Thanks must also go out to the Public Works Department and, in particular, to Mr. Tony Rowlands and his team for actually carrying out the work. In addition, the private sector firms that were involved in various capacities must also be thanked.

Madam Speaker, in about two weeks time, the 24 new cells now being constructed at Northward should be ready, I am told. Once completed, the male inmates of Tent City will move back into Northward and the females now housed at the East End Civic Centre will be relocated to Tent City. Hopefully, we can return the East End Civic Centre to the residents of that district. I do thank them for their patience and their tolerance, particularly over the Christmas time, when the Civic Centre would

certainly have been needed. I thank everyone for the cooperation.

Madam Speaker, much has been said about immigration, the Immigration Department and the Immigration Board in recent times. However, under the able leadership of Mr. Orrett Connor, his two deputies, and their entire staff, I believe that the Immigration Department has moved forward from strength to strength. They have a most difficult task. One of the serious deficiencies which the department is faced with today is overcrowding and the lack of space in the building on Elgin Avenue. However, it is hoped to begin an expansion project to house the Trade and Business Licensing Section and the Board next month with a proposed completion date before the end of the year.

I recently announced Government's plans for changes in the work permit system. It is hoped that when these are implemented the public will find them helpful. One of the issues that I mentioned was the abolition of character references for persons that would actually be employed on work permit. I think there are some concerns that those character references perhaps should not be abolished. Madam Speaker, I am not sure about you, but I have yet to see an unfavourable (or if I could use the word bad) character reference submitted by anyone.

I believe the character references have a part to play. In fact, I think they have a very important part to play. But if someone is coming from overseas and they bring character references with them, you bet your bottom dollar that those character references are all favourable. If they are not favourable then the person is not going to give the reference to their employer to submit. So, I submit that character references handled in that form will serve no useful purpose to the Immigration Board or to the country.

Now, we could deal with character references in a different way. We could, if we wanted to and as is done in exceptional circumstances in other fields, seek references from official sources, and even through Interpol. But my concern with that is that it is going to slow down the work permit process more than it is today and with work permit applications taking about six weeks to be processed, if the Secretariat has to wait to write back to a country and get them . . . and even with the advent of facsimiles there are times when things will be slowed down. At this stage the government felt it was best to simply abolish the character reference in the form that it is now submitted.

I daresay the issue can be revisited later on, but I believe there is some onus on the prospective employer, as well, to find out something about the person that he or she is applying for. I think it is important that they know as much as they can about the person's character or background. So, the reference requirement as it stands today will be discontinued and that issue may be revisited in another form.

**The Deputy Speaker:** Honourable Member is this a convenient point to take the morning break?

**Hon. James M. Ryan:** Yes, Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 11.30 AM

#### PROCEEDINGS RESUMED AT 11.52 AM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. The Honourable First Official Member continuing his debate.

**Hon. James M. Ryan:** Thank you, Madam Speaker. When we took the morning suspension, I was speaking about the Immigration Department and immigration matters, and in particular, the question of the abolition of character references for work permit applications. I simply want at this time to thank the Chairman of the Immigration Board, Mrs. Sharon Roulstone, and all the members of that Board, for all the work they do for this country. In doing so, I also want to thank Mrs. Berna Cummings and the Chairman of the Trade and Business Licensing Board and all members of that Board for an equally difficult task, and yet one that they carry out regularly and one that I believe they do to the best of their ability.

I think these boards have a very difficult and a very thankless task. If they do a good job, we never hear anything about it. If the public thinks that they don't do a good job, we hear a lot about it! But I do thank them. They put in very long hours and I thank them for all that they do.

Madam Speaker, I would like to turn to comments made by the Third Elected Member for West Bay in his contribution when he spoke about some of my areas of responsibility. He asked in that contribution that His Excellency the Governor request my resignation. Madam Speaker, I would like to tell the House why I believe the Third Elected Member has asked that His Excellency call for my resignation.

The answer simply is that I had to slap his hand for his political interference with the Immigration Board.

Madam Speaker, he has every right to say that all is not well in paradise. With your indulgence, I am going to read a letter that I received from the Chairman of the Immigration Board dated 23<sup>rd</sup> December 1999. It was written to me as Chief Secretary and it says as follows:

**"Dear Mr. Ryan: I wish to bring to your attention an incident involving MLA, John Jefferson, Jr. and members of the Immigration Board earlier this month. [that is, in December 1999]**

She goes on to say, **"On 9<sup>th</sup> December, I received a voicemail message from Mr. Jefferson, Jr. wherein he quite sternly expressed his disappointment regarding a decision by the Board of a matter in which he had no obvious interest. He was very upset and I would imagine based on what he said was going to let others know of his disappointment with, and take action against the Board. For that reason, I feel I**

should provide you with the background to the incident.

“Sometime in late 1998, the Immigration Board considered an application submitted by Lacovia Condominiums for one Mr. Dwight Tyndale as a gardener. In its deliberations, the Board noted that Mr. Tyndale had a recent conviction for assault causing grievous bodily harm and further noted that Lacovia already had the services of a gardener. For these reasons the application was denied.

“Sometime in early to mid-1999, Mr. Jefferson made several requests to appear before the Board to discuss a separate application which the Board had also previously denied and he was given an opportunity to present his case.

“Although the application for Mr. Tyndale was a completely separate issue, Mr. Jefferson, Jr. raised that matter in the same meeting with the Board giving the background to the assault charge and ardently defending the ‘good’ character of Mr. Tyndale.

“Subsequent to that meeting, Mr. Jefferson, Jr. contacted me via telephone almost begging that the application in respect of Mr. Tyndale be reconsidered by the Immigration Board on the basis that Mr. Tyndale had a family to support in Jamaica and that the Board was unreasonably denying him the “right” to work in Cayman.

“I advised Mr. Jefferson, Jr. that he was not an interested party to the application and, therefore, he could not instruct the Board to raise the matter again. I advised that if Lacovia still had a need for the services of a gardener, they would be the proper party to request a reconsideration of the Board’s decision.

“Several months lapsed with no correspondence but the matter was eventually brought back to the Board during the week of the 6<sup>th</sup> December 1999. The two-line letter from Lacovia was not persuasive and, again, the Board took into account the conviction.

“It also noted that by now an entire year had lapsed since the Board had heard the original application and, therefore, without any apparent change of circumstances it was hard to justify that a need still obtained in this case. The Board again refused the application and, again, it appeared that Mr. Jefferson, Jr. had more of an interest in the application for Mr. Tyndale than did the proposed employer.

“I then received the following voicemail message from Mr. Jefferson, Jr. This was the 9<sup>th</sup> December at 4.05 p.m. ‘Hi Sharon. This is John Jefferson, Jr. I am just calling to say how disappointed I was to learn that despite all the efforts that we put forward and all the personal telephone calls from yourself that things would be okay with regard to Dwight Tyndale that your Board still refused the application.

“‘You can give them a personal message from me. Tell them that I am not a nice person to play games with and I will do whatever I can in my power to see to it that, you know, they, the whole Board, is

just demolished. As far as I am concerned there are too many double standards, too many inconsistencies and I will be dealing with them on a personal basis.

“‘Thank you very much. Bye-bye.’

“On the Monday following, I played this message back to the Board members who were all concerned that not only the words spoken but also the tone of Mr. Jefferson, Jr’s voice were clearly threatening and they wished for me to bring this unfortunate matter to your attention.

“I personally found his message disturbing and entirely inappropriate especially as he was an uninterested party to the application.

“Further I wish to make it clear that I gave Mr. Jefferson, Jr. no undertaking that things would be okay with regard to Mr. Tyndale, as I have no such power to guarantee the result of a Board decision.

“I stand by the Board’s decision and trust that in future the Board will not be subjected to political pressures of this nature. Should you wish to discuss the matter further and should you wish to have a copy of Mr. Jefferson Jr’s taped message, please do not hesitate to let me know.

“Best wishes for a peaceful happy Christmas and New Year.

“Yours faithfully [*signed*] Sharon E. Roulstone, Chairman of Immigration Board.” And it is copied to His Excellency the Governor of the Cayman Islands.

Madam Speaker, I then wrote to Mr. John Jefferson Jr. on 7<sup>th</sup> January 2000 as follows:

“Dear Sir: I am in receipt of a letter from the Chairman of the Immigration Board bringing to my attention an incident involving you last month.

“On 9<sup>th</sup> December 1999, the Chairman received a voicemail message from you in which you quite sternly expressed your disappointment over a decision made by the Board in a matter which you had no obvious interest. The matter related to an application by Lacovia Condominiums for Mr. Dwight Tyndale as a gardener. The Board denied the application.

“In the message which you left for the Chairman you expressed your disappointment when the Board refused the application and asked to give them a personal message from you stating that you are ‘not a nice person to play games with.’ You further stated that you will do whatever you can to see that the whole Board is demolished and you will be dealing with them on a personal basis.

“I cannot imagine what led you to indulge in such a blatant act of political interference. The additional element of menace and threat implicit in your comments is, of course, despicable. If you ever attempt to do such a thing again, I will not hesitate to expose your actions to the public through the media.

“You have been warned.

“Yours faithfully [*signed*] James M. Ryan” copied to His Excellency the Governor, the Chief Immigration Officer and the Chairman of the Immigration Board.

Madam Speaker, members of the Board were rightly worried about the threats made by the Third Elected Member for West Bay. I think it is absolutely disgusting to have political interference along with threats.

Madam Speaker, I do not believe there is any other Member of this Honourable House that would stoop to do such a thing. The Third Elected Member for West Bay should in my view be thoroughly ashamed of himself for this act. He has every right to say that all is not well in paradise. When political interference reaches these heights, all is certainly not well in paradise.

Madam Speaker, I have had phone calls and visits from members of the public, including persons from West Bay, and their message to me has been virtually the same in every case, it was, *'Do not let the Third Elected Member for West Bay get you down. He will be dealt with in the November elections.'*

Madam Speaker, first a comment: I think the Third Elected Member for West Bay wasted his breath when he asked His Excellency to request my resignation. I can assure him this is not going to happen. And the advice I would like to give him is that he should have saved that breath for his campaign in the November elections. I think he is going to need it. Thank you, Madam Speaker.

**The Deputy Speaker:** Does any other Member wish to speak?

The Honourable Minister for Agriculture, Communications, Environment, Communications and Natural Resources.

**Hon. John B. McLean:** Madam Speaker, I would like to join others who spoke before me in paying tribute to His Excellency the Governor on the presentation of a very comprehensive Throne Speech, being the first for His Excellency.

I guess there is nothing like hindsight: perhaps it would have added a little flare to this Throne Speech had we waited a few more days and had it delivered by the member of the Royal Family who will be visiting with us. I say this with the greatest of respect to His Excellency, but it is my opinion that it perhaps would have given the public a greater opportunity to come a little closer to the member of the Royal Family that will be with us in a few days.

Madam Speaker, it is my intention to deal mainly with the departments that fall under my ministry. But I will touch on a few areas that have always come into discussion especially during Throne Speech debates. I would like to begin with the Immigration Department.

Madam Speaker, for a country the size of the Cayman Islands we are still blessed knowing that we have in place a very good Immigration Department and also a good Immigration Board. Immigration in any country is never an easy task, and the Cayman Islands is no difference. It is my opinion that the reason we as Caymanians and even the visiting public know more of immigration matters in the Cayman Islands is simply because of the size and everyone more or less knows each other.

The big United States of America . . . I don't think there is any country in the world that has experienced more immigration problems than that country. The neighbouring territories around us, our friends in the Caribbean, it's the same thing.

Madam Speaker, it is a task that I honestly would not begrudge anybody for, having to police immigration in the Cayman Islands. It is a headache in itself and under the conditions . . . we constantly hear of the crowded facilities that the department and the board have to work from. We know of other problems that are experienced. I believe under the circumstances we are having a good job done by our Immigration Department.

I believe that as a government we must look at this from a positive point of view. Let us not dwell on what is happening. We need to look at the future and what can be done to make it better in the Cayman Islands. The fact remains that we tend to place emphasis on a certain group of people that are here in the Cayman Islands today, particularly Jamaicans. Madam Speaker, I am of the opinion that we need to have control, but we must be realistic about this.

As a small growing community, we do not have the Caymanian manpower that we need to exist the way that we have shaped our lives. We must depend upon labour from abroad. I am a funny person, but I believe that I would rather work with the devil I know. We have today in this country some of the best people in the world who happen to be Jamaicans! On the other hand, we have some that make it bad for all. But is there any difference with our people? We have good Caymanians and we have some that make it bad for us too. So, we have to look at this from a positive point of view and if there are individuals in this country, be they from Jamaica, Cuba, or Timbuktu, if they are not desired guests in our country, this is the control I am talking about that must be in place. We must weed them out, but let us not blame all and sundry for the couple of bad ones.

Some people believe that the answer to the problem is that we should switch from Jamaicans and go to another nationality. Madam Speaker, I believe that if we were to weigh the pros and cons of Jamaicans versus Hondurans versus any other country that we import labour from, we will find that we have equally as much problem with the other nationalities as we have with Jamaicans. In some instances, the problems I understand that are derived from other nationalities runs even deeper than the problems we have with the Jamaicans. I think all of this needs to be taken into consideration before a stand is taken with regard to blackballing, as they call it, the poor Jamaicans.

We have in this country today certain jobs that our Caymanian people are not prepared to do. And in most instances, those jobs are filled by Jamaican labour. It is something that at this point in time this country cannot do without if we are to survive. Madam Speaker, one that glares in front of me is construction, agriculture, for most of the work of that type we depend heavily on Jamaican labour. I believe with what has taken place as far as the construction boom in this country and the work of the



Immigration Department, I believe they have done a pretty good job in policing the imported labour to these islands.

It is my opinion that if the department is now in need of better facilities, if the department is in need of more up-to-date equipment, if it is in need of more manpower, I think the time has come that we should supply that need before becoming critical of the task which they are actually trying to carry out. As I mentioned, it is not an easy task. It is one that we as a government must always try to be on top of. Therefore, it is our duty to give the department the necessary tools in order for them to carry out the job that we expect of them.

I would like to touch briefly on what was mentioned by His Excellency regarding the general elections. I believe that I am correct in saying that all elected members in here will probably be seeking to be re-elected with the exception perhaps one. What I would like to say today, Madam Speaker, is that I realise elections are never easy. God knows that if anybody in here knows it, I do. But let us first of all think of our country. Let us think of our families, and let us present ourselves to the public in a very, very special way. What I am saying is, let us all campaign on issues that concern us for our country but, let us all forget about bringing personalities into this election. Let us thank God that He has allowed us to take this country so far. Let us ask for His guidance as we enter into the campaign for the upcoming election.

Madam Speaker, mention in the Throne Speech was made and tribute was paid to a past Governor, Mr. Thomas Russell, who has manned our office in London for many years. I believe I can speak on this with some authority because I happened to have been a part of the government when it was decided that Mr. Russell would fill that post. At that time, as is usual in Cayman, there was much criticism over having this office established. But looking back today, if I had to do the same thing again I would do so, if I could be sure that we would have been recruiting an individual as competent as Mr. Russell has been.

His job in London has not been an easy one, but he certainly has assisted this country and many governments in many ways and has saved this country a lot of money especially on matters such as recruiting abroad. He will be sadly missed in that office. But, at the same time, I am so pleased to know that we have a person as competent as Jennifer Dilbert. And, Madam Speaker, I am sure you will smile when I say that I think a woman replacing Mr. Russell in London is a great move for this country. As Mr. Russell has done, I feel certain that she will always put her country first.

I will touch briefly on the Police. Madam Speaker, I must say that the Commissioner has been trying in his endeavours to make policing in the Cayman Islands better. I don't think many members have bothered Commissioners more than you and I with regard to having proper policing in our districts. We saw the problem many years ago and I am happy to know that we will soon have at least 24-hour police patrol cover in all districts. Although it came under heavy scrutiny a few days ago, I honestly

believe that the recruitment of 24 more officers will be money well spent. We cannot expect the Commissioner to service the needs of policing in the islands if we do not give him the tools to work with.

I took note that there was some concern with regard to where the police officers will be recruited. Maybe, Madam Speaker, this could have been shared around a little more to the neighbouring territories. One has to take into consideration that each Member in this Legislative Assembly has seen this matter as a very urgent one. It would have taken a longer time if recruitment had to be carried out in various other islands rather than having 24 officers direct from the United Kingdom. That is my understanding, and for this I support the idea of bringing the officers.

Perhaps, when recruitment is being done next time it will be at a time when we can look around and try to get officers from their neighbouring territories. I am hoping with the additional 24 [officers] that the Commissioner will be able to distribute manpower throughout the three islands, not only putting bodies in the various districts but that we will see in the near future a decline in the problems which are brewed here in these islands today. I speak of burglaries, rapes . . . you name it, it has been happening.

In recent times, unfortunately it is true, we have heard of murders. We must give the police some credit where credit is due because in each case in a very short time the public could rest assured that individuals involved were brought to justice. I realise that like any other department, we have had our ups and downs in the Police Force. But as a small territory, we have to realise that we depend heavily on our police force. In other islands there are men in the reserves. As I understand in some places they are even termed "soldiers." But whatever comes under the line of defence in the Cayman Islands, we have to depend upon the poor old policemen.

I believe I am correct in saying that the only more ungrateful job than policing must be politics, because, as the old people say, you're damned if you do and you're damned if you don't.

We cannot sit back and worry about what is said. We as a determined Government to maintain law and order in our country must do what we think is right. I believe with the guidance of the Commissioner and the determination of the Government we can overcome some of the problems that presently exist here.

I am pleased to see that he has also put in place the Police who are now riding around the [districts] on bicycle. I believe that we lacked in that area for a long time. I am a believer in police presence and even on the main roads as we drive along, I believe it is better to see signs erected that say "Radar Ahead" rather than to see three police cars endangering their lives and the lives of the public trailing down somebody who may be speeding. I believe the signs posted at intervals have the same effect as somebody having to go out there and chase an individual.

So, Madam Speaker, I believe that with all that is being done at present, the Community Officers, the Po-

lice Officers visiting schools, I believe we are on the right track. What we need at this time is to make sure that we do not go backward but that we give the necessary tools to the Commissioner that we can move forward to try and stamp out the evils that have crept into our society.

With regard to Northward Prison, Madam Speaker, His Excellency was so right when he said there had been some painful distressing times over the last months over the happenings at Northward Prison. This is something that I as a politician and as a Caymanian would not like to encounter again in my lifetime. Not only did it cost this country money, but it created a lot of fear among our people—and not only our people but visitors alike. This is an area that we have voted funds for in recent times and I am aware that it came under some serious scrutiny, which it should have, but it was something that needed to be done.

As long as we are a growing country, we are going to have the criminal element and it is no good for us to turn our backs against it. We might as well face up to it and prepare for it. It is not something that we can be proud of, but we are no different from any other part of the world in this respect. This is something we have to live with and we must make it as secure as possible. I believe that if somebody commits a crime, he should be punished. There is but one way of offering the punishment and that is to carry out the sentence.

I am glad to know that we have service clubs that are prepared to work together with us in an effort to rehabilitate offenders. I believe that even if somebody commits a crime, at some time or the other, they will be placed back into society. Of course, they cannot just be abandoned so we must prepare ourselves to take them back. Whatever can be done in that area must be done as speedily as possible.

Madam Speaker, when I started I said I would spend most of my time on the departments under my ministry. Let me say that the main projects we hope to complete in my ministry in the coming year will be the study that was asked for by this honourable House, the study on construction aggregate and fill material, sometimes referred as the North Sound Study. In recent times, we have had presentations to Executive Council and members of this honourable House and we feel this is very important. A company has been contracted to carry out the work, CH2M Hill, which was highly recommended. It is our hope that by December we should have a report.

From the presentation that was made, I feel confident we will have a good report and that an in depth study will be carried out.

The Petroleum Storage and Handling Review is also being done by four consultants and we are looking forward to their report about the middle of the year.

With regard to our Telecommunications Office, I know Madam Speaker, that in your capacity as Elected Member for North Side, you did air certain concerns with regard to the department (which I will try to clear up) with radios. We have discussed this several times and I do have some more information.

**Mr. D. Kurt Tibbetts:** *[Inaudible comment]*

**Hon. John B. McLean:** I heard the First Elected Member for George Town talking about the audit. As I said in this House a few days ago, I have already commissioned that the audit be carried out.

With regard to the Telecommunications Office, it is now entering its fifth year of operation at the old radar site and it continues to provide Government with additional revenue from radio licences. Collections for 2000 are, once again, expected to approach the figure of about \$100,000. Part of the increase in revenue is due to the continuing number of Cayman registered ships that are being added to the register.

The draft Telecommunications Bill has been further revised to include the establishment of the new telecommunications authority. This important legislation was recently commended by the Secretary General of the International Telecommunications Union (ITU) as a model for the countries in this region. It is now expected to come into force later on this year. The licensing matters, the regularisation of broadcasting licences is now in its final phase with both new and incumbent stations receiving their permanent licences. In the future, the new telecommunications authority will deal with licensing and regulatory matters.

Madam Speaker, when discussing the need for additional radios with the Commissioner a few days ago, I was asked that an audit be carried out on this department. I agreed, and I am pleased to say that I have instructed my ministry to go ahead and request this audit. So, that is in place. However, Madam Speaker, there were certain things that were mentioned in the newspaper with regard to cost of radios versus other departments and individuals being able to purchase radios much cheaper. I have had the department check into this and it is my understanding that the department (I think it was Civil Aviation) did buy radios for approximately US\$500, which did not include freight and duty. The radios are not digital. The radios are not encryption capable and, therefore, it is not as safe a radio as what would have been bought by the Communication Department.

It is my understanding that radios can be purchased but cannot offer the services the radios mentioned here purchased by the department could do. So, I just thought I would bring that to the attention of the House and to let the House know that we are going on with the audit.

**The Deputy Speaker:** Honourable Minister, are you at a convenient point that we can take the luncheon break?

**Hon. John B. McLean:** Yes, Madam Speaker, we can.

**The Deputy Speaker:** Proceedings will be suspended until 2.15 p.m.

**PROCEEDINGS SUSPENDED AT 12.43 PM**

**PROCEEDINGS RESUMED AT 2.22 PM**

**The Deputy Speaker:** Please be seated. Proceedings are resumed. The Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources continuing his debate.

**Hon. John B. McLean:** Thank you, Madam Speaker. When we took the break I was dealing with communications under my ministry, and I would like to continue under that head.

Madam Speaker, the 911 Emergency Communications . . . let me say that this has been something that was long overdue in these islands. Thank God I can say that thus far it has been working well. My ministry is committed to ongoing training in the year 2000 and we see it very important with the increase in call load and a variety of incidents. We feel it is imperative that all of our staff members be trained to meet the new and unusual demands of that job.

This year, it is hoped that 911 will be hosting a training course co-sponsored with the Pan American Health Organisation. This will be opened to all emergency service personnel and we are hoping that it will assist them not only in the operation centre but out in the field also. The disaster management course teaches personnel coordination and organisation, and it will be designed to train all services to work as one unit.

The installation of the E911 address location has proven to be a great asset. This is an electronic mapping system that provides historical data as opposed to automatically updated. This has proven very helpful to the staff. I believe that as this unit grows a little older and with constant training and upgrading of the staff and equipment, we will see this continue to be a very helpful asset to this country.

Moving on to the AIDB and the Housing Development Co-op: This morning, the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture spoke on the issue of the shortage and poor housing arrangements for some people. My ministry will continue to focus on supply and availability of housing for the lower income Caymanian. It is indeed a priority.

Last year we appointed a committee to look into ways and means to address the housing issue. It is expected that that committee will submit a report on its findings and make recommendations to my ministry by April. Based on the findings and recommendation of this report the Government will be able to formulate policies and develop strategies to assist lower income Caymanians who are not able to qualify under the Government Guaranteed Home Mortgage Scheme.

It was real sad to listen to what the Minister had to say this morning. I am certain, if each of us look around our various districts, we will see more of this. It is unfortunate but it is a fact. It is something that we have around us and we must address. It is long overdue.

I believe that with the number of banks around us there is no reason why funding for something like this should not be possible. I am going to appeal to the banking community in this country. With all of the large profits they boast of (having some 500 banks in these islands), I

would think that one of the reason that they have been able to make these large profits is due to the harmonious surroundings offered in the Cayman Islands. Maybe the time is right when a small portion of those profits could be put aside to address this very serious matter.

I believe that what we heard here this morning should open the eyes of each and every person in this community. I feel sorry for that family, and it can only be corrected one way. I also believe that these are some of the reasons why we end up with problem children, problem teenagers, and eventually problem adults in our communities. What we heard here this morning leads me to believe that we could have a situation where a small family . . . we have kids who are surrounded by other children who (to put it mildly) perhaps have everything. And what do they have? Nothing! The jealousy must be there. That jealousy could lead from one thing to the other and God forbid that it may happen but it may be that somebody is weaker than the other. It could lead to somebody stealing to try to be on par with the other.

This is one isolated case and, like I said earlier, we can look around our various districts and I am sure we will see more of it. My appeal goes out to, as I said before, the banking community to come forward to assist Government.

Madam Speaker, many believe that Government can do everything. But it is much easier when there is a helping hand to help Government. I am sure that I have the support of my colleague, the Financial Secretary (because the banking community falls under his portfolio). But it would be interesting for us to do a survey among them to see what reaction we would get. I mean, I don't expect every bank to contribute the same amount, but I think it is fair to say those who can produce balance sheets with large profits or larger profits should no doubt contribute more.

Madam Speaker, I am not saying that they should just dish out money. It would be in a fund either controlled by Government or controlled by some responsible bodies. If it cannot be done as a donation to this country for all of the profits they make here, I believe that the money should be made available at a very low interest rate. I believe that if we can get to where we can nip this sort of thing in the bud, we will all profit in the end.

We have much prosperity in these islands. Unfortunately, we must be realistic about it. It is not evenly distributed. It is for us who are in a slightly better position to look after our less fortunate brothers.

Madam Speaker, my ministry has appointed the Housing Development Corporation to act as executing agent for Government in the administration of the Government Guaranteed Home Mortgage Scheme. It is expected that the transfer of this responsibility to the HDC will take place in the first quarter. We also continue through AIDB to administer the Government Guaranteed Student Loan Scheme on behalf of the Ministry of Education, and will make recommendations to the ministry as to how the scheme can be revamped to streamline its operation and improve the level of service to our customers. Again, this is a very important area. Enough em-

phasis cannot be placed on it because I am believer that where our people are best educated we can only profit in the end.

While I mentioned education, permit to say a little bit on how much has been said here in this House in recent times about education, teachers, administration, the department, the ministry, you name it. I believe today that we can boast of having an education system in this country equal to any other surrounding territory. As with anything, we are going to have our ups and downs. But we must be proud of what we have here for as small a country as we are.

Madam Speaker, when we went to school, if we saw a school bus we would probably run and hide. Today each district has available to them a school bus. Look at the air-conditioned classrooms in each district. Look at the high schools throughout the island. Look at the calibre of teachers. Look at the administration. Regardless of what anybody says about the present Minister of Education, let me say that that gentleman has dedicated his life to education in this country from 1976 until the present day. I think this country can be justly proud of his efforts in education.

I think it is very unfair for any Member to stand in these Chambers and downgrade something as important as education in this country in any way or form. If I stood here and said that I didn't have gripes with certain teachers, I would tell a lie. I am human. But I am not going to stand here and talk about it because when we discuss matters as sensitive as education today each home in this country is privy to radio and television. Those same teachers and kids that you are talking about know exactly what is said in this House and it must have an effect on our children.

Madam Speaker, teachers, in my view, are not ordinary people. I could not be a schoolteacher. It takes a special dedicated person to venture into the field of education. When I visit classrooms and I see what teachers go through for the short period of time that I am standing there, it leads me to really think what they go through for an entire day—an entire day and an entire month and an entire year. I don't think that we should in any way try to upset the teachers in this country. I think we should be in here praising them daily and asking the Good Lord to give them strength to fight a fight that we are not fighting because it is a fact that our kids spend more time in the classroom than they spend with us. So, who needs the support? In my mind's view, it is the teachers.

I must say that what was said in here the other day annoyed a lot of teachers. I got calls from several and I personally had audiences with some. In each case they were very hurt to know that remarks would be made on the floor on this House the way they were. I have no apologies for what I have said because I would like to apologise to the teachers in this country for anything that might have been said that would have upset them. Things like that can be avoided. If I have a problem with anything in education, I have no problem confronting my colleague or I have no problem speaking to somebody in education or face to face with the teacher. Thrash it out

and don't involve children into something like this. Whether we believe it or not this is what has happened on this occasion.

Madam Speaker, I felt it was only right that I should put this correct. I am not acting as any whip, but I have been in this House long enough to know the areas that are very important to the backbone of this country. Any money invested in our youth today is money well spent. I would only encourage each and every one who is exposed to this high quality of education today to make the best of it and try to become good men and women to replace us in the tomorrow.

Madam Speaker, going back to the Department of Agriculture, I would like to say that a few days ago it was with a sense of pride that we held our 34<sup>th</sup> Annual Agricultural Show. I would like to publicly thank all of my colleagues who attended. I feel certain that I had the support of those who were absent. The Agricultural Show has proven to be no longer just a show. It has proven to be a family day for each and every one. The theme we adopted some years ago to make it bigger and better has really proven to be so. This last time we thought of a new theme for 2000, "Learning from our past, building for the future."

I believe the first stone has been placed in that with the success of the last show. And I would like to publicly say to the society, the members of the farming community, my ministry, my department, and all those who contributed in making that a success, a special thanks. Not only did it make me proud, but it was really touching to see how many families and friends to the island were able to come out in an environment where they were free from alcohol, could freely roam as they felt, and there was much for kids to do. This year, Madam Speaker, it was really pleasing to see the way the grounds have developed.

Sometimes it's hard for me to believe it is the same facility that I started some years ago, because when we started it was but open space with the Pavilion. I thank God that from my travels abroad I was able to bring back some knowledge especially in the introduction of the Agricultural Hall of Fame. Today that has been developed and promoted through the Department of Agriculture to where we have a fine facility, where the names, photographs, and history of agriculture are proudly displayed. It is something that all of us can be justly proud of because in each instance we have the names and photographs of hard-working farmers from the Grand Cayman and indeed Cayman Brac.

We are hoping that from the knowledge we have gathered thus far that next year the show will even be better than it was this year. I believe that is really and truly stretching it to make it better, but there is always that space for advancement.

I would like especially to pay special tribute to the farmers, those who, like I can think of in the district of North Side, Mr Daniel Rankin. We have in Cayman Brac, Margarita Chantilope. We have in West Bay, an 80-year old Mr. Bothwell (who is as I term it 80-years young) in the farming community. We have from all over those who

have dedicated their lives. It makes me feel real proud especially on show date when those individuals can come out and participate. They can show their animals and their crops, and just their presence there really and truly makes one feel good.

In 1980 when I took over the ministry at the time, the first thing I endeavoured to do was to get more funds for the department. To see where we have come today, it really proves that agriculture can be of a greater success in these islands. The quality of produce and the quality of animals speak for themselves. As I said before, we can boast of quality. Before we had scrub cattle. Today, I would place a bet that we are equal to any of our neighbours and could also compete with neighbouring places like Miami where I have visited many farms.

Now that the farming community has shown what can be done, what is needed is support. Not only support from Government which has always been coming but we need support from the merchants, hotels and restaurants because the farmers are producing under very hard conditions. They cannot in any way compete with US markets. What we need to focus on in these islands is quality. Any hotel, any merchant, or any restaurant that actually utilises meats or produce from our farming community today can boast of the quality. We don't have mangoes, avocados, or citrus for example, that are forced ripe. We have quality fruits and vegetables in these islands. This surpasses cheap prices in my view.

While we are self sufficient, thank God, in certain crops in season such as mangoes, citrus, avocados, bananas and plantains, we need that added touch of assistance from the areas I have mentioned to show the farming community that what is being done is appreciated. I must say that we have been getting some support from some of the merchants and from some of the hotels, but there are still the larger ones that could do a little more in offering a helping hand to the farming community.

Madam Speaker, we know it's hard here in Grand Cayman, but it is nowhere near as hard as in Cayman Brac. Presently, Government has taken a stand to assist in any way we can over there. We have (as we have here) a bulldozer service. The farmers have complained for a long time, especially on the bluff, of a shortage of water. The Minister of Community Affairs on different occasions along with the Second Elected Member from Cayman Brac has put through the various needs in Cayman Brac quite forcefully. Thus far, I am most pleased to see that on show day, although their stall did not win, the presence was there.

From my knowledge of what is produced in Cayman Brac, only a small part was displayed.

I am most happy to know that it has been decided on a mini-show. This was said here today by the Minister of Community Affairs. I give them the assurance that with God's help, if I am alive I will try my best to be there. I think it's a move in the right direction and the people of Cayman Brac deserve it. I know that my ministry will be in full support along with my department of agriculture.

Another area that I must touch on, which has been an area of concern, is the Farmer's Market. I have said to

the House before that Government has seen fit to have accountants do a business plan for the market and, hopefully, in a short time we shall be able to give a further report here.

I believe, Madam Speaker, that once we have that Farmer's Market operating the way it should be, that would be something that would greatly assist the farming community. It is a fact that although it was established, the Farmer's Market has always been under capitalised. I believe that once it's streamlined it will operate the way it should and provide the service to the farmers. It is very hard for someone who dedicates himself to farming on a daily basis, who relies on the sale of his crop or meat, to wait when his crops or his meat is taken to the market before he is paid. This is what I would like to see cleared up and to see the market rolling on a more or less cash basis whereby a farmer can receive his reward as he takes his crops or beef to the market.

The department continues to offer services to the farming community both here and in Cayman Brac. We are on 24-hour call, especially in the area of animal husbandry. We also have a team which will go from farm to farm and offer advice, or, in instances where other assistance is needed such as the need for trailers, bulldozers, and we have a spray team . . . all these try to work hand in hand with the farmers to make their crops and animals more profitable. It has been working well and the staff there has shown their dedication to this cause. I must commend them for the work they have been doing.

Again, like the farmer, the job of those in the department is never easy. They should be encouraged as I try to do as much as possible.

Madam Speaker, I would like to turn now to the Department of Environment, to say that in the year 2000, the Department of Environment will continue ongoing projects and programmes aimed at enabling suitable management of our natural environment and resources. As everyone in here is aware . . . and a few weeks ago I was most happy that we could visit the garbage site here in George Town. We are all aware of the problems we are faced with. After returning from that trip, I was most happy for the support which was rendered to the department in assisting us with some equipment so that the job can be carried out much better than before.

We have an ongoing problem with clean-ups, which has suffered to a certain degree in months passed from the lack of equipment to carry out the job. This we are somewhat overcoming at this time. I would like to say that especially the Second Elected Member from Bodden Town—who never fails to bring it to our attention when garbage is seen by her—has on more than one occasion brought to my attention various areas that deserve a clean up. Right now (as is usual with Royal visits), she is very much concerned about it and the department will be focusing and doing as much as time will permit prior to the arrival.

Madam Speaker, we have to look at the future in this area. We are trying to protect and plan for what is going to be needed and that is not only on a one-time yearly clean-up but what will take to keep the island as

clean as possible. This is not an easy task, but I believe with the experience and helpfulness of the public, co-operating and working together, much can be done to reach the goal we have set out for.

Again, we have to respect the persons who actually carry out this job because it is not an easy one. Nobody realises how hard it is on an individual who has to face the sight and smell the odours of garbage. The only thing that is a concern at some times is to make sure that garbage is collected. But I take my hat off to those individuals who are in the frontline there facing this tiresome job. I would say that I have heard comments from visiting ministers and other dignitaries to these islands, who are so happy to see the way that our islands are kept—the cleanliness. It is good to know that we can hear this from visitors because we know within ourselves how hard we try to maintain and to keep this as an ongoing project. There is more to be done and here I appeal . . . and I know already that some of the schools have been doing a wonderful job in assisting. But it is the one place we can really get to the young people and on into the homes as we encourage it through the schools the importance of disposing of garbage properly instead of littering.

I am hoping as I mentioned here before that eventually we will work out the problems which exist with regard to exporting bulk garbage from the country. I am sure that once this is up and going we will be able to see a lot of changes. The biggest problem today that face this country is actually bulk materials such as old cars, old heavy equipment—stuff that is really hard for us to bury anymore for the lack of space. But I believe, Madam Speaker, if we keep at it we will no doubt succeed.

I would like to touch on M.R.C.U and to say that we are hoping in the year 2000 to develop a safer and more efficient type of aerial spraying against the biting mosquitoes. We are hoping to utilise less of that and to utilise more of the pellets.

I know there has been much concern with regard to the area of spraying and for this reason we have constantly tried to keep it to a minimum. We have been encouraging the larvacide pellets that actually deal with the mosquitoes in the very early stages. Ongoing research is done through the lab. Thank God that thus far things seem to be going pretty good.

Also in 2000, in the sister islands the department will conduct a review of mosquito control services with a view of intensifying improvements over there and also in developing new methods of control.

As we reflect on years gone by, regardless of what we may say, we can see that the work of M.R.C.U. has paid off and is paying off. I am sure I am correct in saying that without the efforts there, and the support of past governments and present, we would not enjoy the tourism boom and the financial boom that we boast of. As I mentioned, the department is making every effort to slow down on aerial spraying and I hope and trust that it will be the right thing in the end.

Madam Speaker, the Lands and Survey Department will continue to provide quality land-related services not only to Government but indeed to the general public.

This year we will see the publication of the first street atlas of the Cayman Islands. Also, we will be seeing the launch of the website, initially to provide information about the department and its services, and then later on to deliver some of those services electronically and finally to establish access to a National Land Information System.

That department plays a vital part in the financial sector, and every effort is being made and has been made to have it run as efficiently as is possible. We have some very knowledgeable Caymanians and dedicated staff as a whole working in that department. As we go along, we can see their endeavours to promote and to put forward easier methods to deal with the various transfers of land and other services which are actually done through that department.

Madam Speaker, I would like to turn to our Postal Department, first of all to say how good it is to know that we have accomplished another new facility in Grand Cayman, that of the Post Office in Bodden Town. It is a fact that that district was long overdue for proper facilities and today they can be justly proud of what is there. I know I had the support of the members from that district who were also very concerned about the age of the building and the location of the building from a safety point of view. Also, Bodden Town being a district that is fast growing it was a concern from the point of view that the services could not be offered as they should be. I would like to thank them for their support and endeavours to make this right. Today we can boast of a fine facility there.

We are hoping that the new post office in my district—the district of East End—will be the next one for us to tackle. It will be on an alternate site from where the present one is. The reason being is that the site is too small and we are trying to focus on facilities that will not only be for today but will take us well into the future.

We also have plans in place for replacement of post offices in Savannah and West End, Cayman Brac. Also, Madam Speaker, the post office anticipates the capture of the youth philatelic market in 2000. A stamp issue based on the popular United States Children Television Workshop Sesame Street was issued on the 15 February. The Cayman Islands Post Office was honoured to have been chosen by the promoters as one of the first postal administrations to be included in the programme. The Philatelic Bureau is looking towards advance technology including e-commerce.

Looking towards the future is planned acquisition of integral retail terminals that will reduce customer waiting time at counters. We see this as a step forward and no doubt it will facilitate the long waits. The new post office at the airport is working well. I know a past [minister] who was responsible for this, the Third Elected Member from George Town, Mr. Pierson, did much when he was responsible for postal services to make what we have today—especially in the new post office at the airport—a reality. For this, I am most grateful.

Madam Speaker, I would like to touch briefly on the Water Authority and to say that I am really pleased to

know that the supply of water will soon be to the main district of East End. It is expected that there will be water available to Gun Bay by Election Day. We are hoping that by the year 2001 we will definitely have water to the main hotel area in my district, Morritt's Tortuga Club. Of course, we have not forgotten water for other areas where we know the demand happens to be, like North Side. We are hoping that this will be the next project for the Water Authority.

As was mentioned by the First Elected Member for Cayman Brac and Little Cayman, we realise there is also a problem with water in Cayman Brac. We will be working towards trying to do whatever possible to alleviate this problem. Again, in trying to move eastward with the water supply, we have come up on some problems that we did not think were going to be as hard as they are with regard to piping the water. Although it is going slow, we still believe that it will meet the deadlines that we have actually set.

Madam Speaker, we cite this as a very important area, that is, the production of water for this country. I am pleased to know that we have a Board of Directors that operates the Water Authority, and we have good staff and management. The production has been going well and we believe that this year with all of the various things that I have mentioned that we will be able to fulfil the needs in those areas and thereafter concentrate on other areas that are also in need.

I would like to touch briefly also on the Turtle Farm. Madam Speaker, I must say that I am very pleased with the farm and its operation to date. A few years ago, we had several changes at the farm, and while at that time it what had to be done might have seemed a bit harsh, I think it was the right thing to be done. We have proven in various areas that the farm can operate successfully. We are now producing sufficient meats so that everyone is able to purchase meat when they need to. We have been able to do some upgrading to facilities at the farm, and I would like to say that I am proud of the staff complement that presently exists at the Cayman Turtle Farm. We have in place two very competent Caymanians who have a very dedicated staff—mostly Caymanians—and it has been proven that working together can create great success. It is a great example of that.

It is my hope that with the additional upgrading that we will be doing that the farm will be an even greater attraction for the selling of the Cayman Islands. It is renowned as the only one in the world and we have been doing everything possible to keep its popularity at its highest.

Madam Speaker, I would like to just say a few words now on the national airline. To say that Cayman Airways is political is saying a whole mouthful, because Cayman Airways was born in politics. From day one it has been nothing but a political football. With all of the evils said about our national airline, there is much good that has been passed on throughout the Cayman Islands from the airlines. We can think of jobs. We can think of a service that has been provided. Most people reflect only on what it is costing the country. I am the first one to say,

yes, it is costing the country money. But what are the spin-offs?

When we think of an airline on a daily basis, we see three to five different companies flying into this country. Madam Speaker, I don't think one of those companies is not subsidised by their respective governments. We make a great hullabaloo when funds have to be pumped into our airline but, again, we must look at the pros and cons. Regardless if it is costing or not, we must think of the services that are given.

I know there is much said about ageing aircraft, but let us reflect on the equipment that is presently used by numerous airlines. It is the same type we are using. While I am not full of knowledge in the area of airlines, it is my understanding that for the simple reason that certain checks are made (C-checks or whatever it is called) that aircraft can be brought back as good as new. It is unfortunate that we have had what has taken place over the last week [but] the airline still has my support.

The staff of the airline also has my support because I don't believe its an easy task when somebody has certain equipment to operate with and at one stage or the other you find yourself with no aircraft to operate with. I believe that we have some dedicated staff. I also believe that we have some that are actually stirring this a little more than it should have been stirred. I am not a believer that every time one cracks, you should be on television or radio with it. I do not believe that is the answer to problems. Most times, it ends up as airing your laundry in public rather than trying to stay behind doors working it out. I honestly believe in this instance, perhaps a little more tact should have been used in trying to work with what we have rather than trying to put it down.

Madam Speaker, I have been here long enough to know that new airplanes are not necessarily the answer. I was here when we had 727s that were condemned. Yet today, most airlines that are coming in here are proudly flying the 727s. It is my belief that we would have been better off if we had kept the ones that we had, but it's no use in crying over spilled milk. I have been here long enough to see governments that have taken the chance to purchase new aircraft or to lease purchase new aircraft—did that answer the problem? No, it did not. Maybe to the reverse, it might have put us a little worse off than we were initially. Again, we must continue to try to work with what we have.

If there is some discrepancies with staff, it is my hope that we will have that worked out. We have a competent minister and we have a competent board that will be able to sit and to thrash out the differences. I hope this will be done in the interest of the national airline and indeed the Cayman Islands.

Regardless of how many airlines fly into Cayman, I am of the belief that we should try our endeavours to maintain our national airline. I don't know about others, but I feel a sense of pride when I step on board one of our national airplanes knowing that in the cockpit, most times, it is our people.

I know that much work has already been put into this. I believe that once we have the third aircraft on line,

things will be worked out in a better way so that the travelling public—especially visitors to our shores—will not have to undergo what has taken place recently. I can imagine it must have been very upsetting to some, and I can also put myself in the place of staff members having to deal with this problem. But where there is a will we can overcome it.

Lastly, Madam Speaker, I would like to touch on an area which over the years has been very sensitive to all members here, and that is roads throughout the islands. I realise my colleague has been working to maintain roads—

Madam Speaker, the First Elected Member for George Town is edging me on to tell everything. I am going to do that!

What I was about to say is that if he and his colleagues on the other side would give my good colleague here, the minister with responsibility for roads, some more money we would be able to carry on the wonderful work that he has started. I am speaking here especially for the eastern districts—

*[Inaudible comments]*

**The Deputy Speaker:** Could we continue the debate and stop the cross-talk throughout the Chamber please?

**Hon. John B. McLean:** Madam Speaker, I was dealing with roads and I will continue. I was saying that especially in the eastern districts we need for the work that has been started and which I must say has really improved the services to the travelling public . . . it is a pity that we could not spread that a little further into East End and North Side. I feel certain that with a little more dinero that the works will be carried out. So, I am making an appeal on behalf of the Elected Member for North Side and I to try and offer us some help in that area.

Madam Speaker, I would like to say how pleased I am with the many things that have been mentioned in the Throne Speech. I will close by saying that with all that has been said in this Chamber and outside, I believe that the present Government has done well. We have been criticised but, of course, there is always room for improvement. We have worked hard with what we had to work with and the most we can do is to try and continue to do what is best for these beautiful islands. In closing I would say, God bless the Cayman Islands.

**The Deputy Speaker:** Does any other Member wish to speak? If no other Member wishes to speak I crave the indulgence of this honourable House to say a few words before I put the motion on the Throne Speech delivered by His Excellency.

I speak from this Chair as Deputy Speaker, and I am aware that this procedure has been set in other parliaments. There is precedence. Having had to take the Chair because of the illness of the Honourable Speaker, I did not have the opportunity to debate the Throne Speech, so I now humbly ask all Honourable Ministers

responsible to take note of the needs of the district of North Side.

Number one, the need of that district is a senior citizen's centre.

Number two, the completion of the Frank Sound Park as well as the park in the Hutland.

Number three, the teacher that was approved just recently in the budget so that we can have separate teachers for our classes rather than two classes being taught by one teacher in the primary school.

Number four, the completion of the Old Man Bay Playing Field with covered bleachers and asphaltting of the parking area. I look forward to the official opening of that facility.

I also look forward to coaches. We have the facilities in that district for basketball, football and volleyball, and I request of the honourable minister whatever help can be given to provide coaches so that we can keep our youth involved rather than on the streets would be appreciated.

Number five, to the honourable minister responsible for the licensing authority. There are three persons in my district that have these bus licences to operate and they have approached me concerning the letter that has recently been written that only Caymanians will be allowed to drive these buses. I ask the honourable minister to look favourably on these persons in North Side because it is rather hard for us to find Caymanians to carry out this job for these three people.

Number six, the need for a public beach in Old Man Bay for the people of that area, as there is no public beach facility. Everybody has to travel to the Kibo and whatever assistance can be given to the people of Old Man Bay with providing a public beach would be most appreciated.

Number seven, roads. I look forward to the repairs and maintenance of the roads in the district of North Side and I also look forward to a fair share of the asphaltting money in the year 2000 since North Side got nothing in 1999.

Number eight, farm roads so that we can assist the farmers in the district of North Side that they can produce even more than they have been producing seeing it was the district of North Side that just won the Agricultural District.

Number nine is of interest to the entire island but I am not going to delve into national issues. It also affects the women of my district that may be involved in abuse. A place of safety for the women and children that are living in abuse situations.

Number ten, legislation to assist the physically challenged, particularly the amendment to the traffic law prohibiting people from parking in spaces reserved for the handicapped which affects my people in the district of North Side when they come to George Town to do their shopping.

Number eleven, listen to the concerns of the people of my district and the district of Bodden Town regarding the wetlands. I implore the Government to bring proper terms of reference for the use of the Environmental Protection Fund so that the people in the district of North



Side and Bodden Town who may wish to sell these lands . . . the Government will be in a position to purchase rather than to declare them central mangroves without giving the people any money.

To the Government and Members of this Parliament I say there are serious issues facing these islands. I say to the Government that taking action to deal with these issues is much cheaper than the cost of reaction. Thank you very much.

The debate on the address delivered by His Excellency the Governor having now been concluded I shall put the motion. **“BE IT RESOLVED THAT this Honourable Legislative Assembly record its grateful thanks to His Excellency the Governor for the address delivered at this meeting.”** I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it. The motion has duly been passed.

**AGREED: THIS HONOURABLE LEGISLATIVE ASSEMBLY RECORDS ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR HIS SPEECH DELIVERED AT THIS MEETING.**

**The Deputy Speaker:** Proceedings will be suspended for fifteen minutes.

**PROCEEDINGS SUSPENDED AT 3.35 PM**

**PROCEEDINGS RESUMED AT 3.56 PM**

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Other Business, Private Members' Motions, Private Member's Motion No. 1/2000, Reduced Cost of Mortgage Financing for Caymanian Owner/Occupied Homes. The Third Elected Member for the West Bay.

## **OTHER BUSINESS**

### **PRIVATE MEMBERS' MOTIONS**

#### **PRIVATE MEMBER'S MOTION NO. 1/2000**

##### **REDUCED COST OF MORTGAGE FINANCING FOR CAYMANIAN OWNER/OCCUPIED HOMES**

**Mr. John D. Jefferson, Jr.:** Thank you, Madam Speaker. I beg your permission to move Private Member's Motion No. 1/2000 entitled, Reduced Cost of Mortgage Financing for Caymanian Owner/Occupied Homes that reads as follows:

**“WHEREAS the Cayman Islands boast of unprecedented economic growth and prosperity and a standard of living unparalleled in the region;**

**“AND WHEREAS some steps have been taken by the Banks and Government to make first time homeownership a reality among a greater number of Caymanians and a large number of potential first time Caymanian homeowners continue to experience difficulty in qualifying for mortgage financing due to insufficient income and the high interest charged;**

**“AND WHEREAS many of these Caymanians are experiencing severe frustration, hopelessness and general discontent because of the situation and this could be a cause that could lead to the destabilisation of our society;**

**“AND WHEREAS it has been proven that homeownership adds to the stability of any society;**

**“BE IT THEREFORE RESOLVED that Government takes the necessary steps to meet with the commercial banks that offer mortgage financing with a view of negotiating preferred interest rates especially for Caymanian owner occupied homes.”**

**The Deputy Speaker:** Is there a seconder?

**Dr. Frank McField:** Madam Speaker, I beg to second that motion.

**The Deputy Speaker:** Private Member's Motion No. 1/2000 has been duly moved and seconded. Does the mover wish to speak to it?

The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Madam Speaker.

The issue of housing is a very important and critical one here in the Cayman Islands. On a daily basis, I would say elected representatives and others are confronted and approached by members in our community that are finding it very difficult indeed with regard to affordable housing, in particular, the difficulties experienced with regard to qualifying for a mortgage.

Madam Speaker, this is an issue that I feel has to be addressed rather quickly because in an island that boasts of unprecedented economic growth and prosperity. Many of our people are becoming very frustrated and a lot of them have also lost hope of ever having an opportunity of owning their own home.

You know, Madam Speaker, up until yesterday or the day before, at my MLA Office in West Bay I had a gentleman and his son come to see me so that I could assist them with the transfer of a piece of property from the father to the son. I had to remark to them that the Caymanian today, who is fortunate enough to still have some property that they can assist their children with in regard to a home, is very fortunate. There are very few indeed.

Madam Speaker, today when we hear of an average house lot that is 100 x 100 costing on average \$25,000 - \$35,000, it makes it extremely difficult for our people to ever realise the dream of owning a home. I am quite sure you found yourself in the position where you had parents that had the foresight or were fortunate

enough to have acquired some property. When you were ready to build . . . or when I was ready to build I could go to my father and he was able through love and affection to transfer a piece of property to me at a very nominal cost, maybe \$25 or \$35. Even today in order to be able to do that it is still only \$70, but that gives that young Caymanian a very great advantage with regard to the possibility of owning a home.

Madam Speaker, the other difficulty is that the cost of construction has increased to such a level in this country that I shudder at the thought of what young people are faced with in regard to a mortgage. The only way we are going to be able to ever realise a home in this country is by borrowing money.

Madam Speaker, I recall in 1975 when I was building my home, I borrowed a total of \$30,000 from the bank. I was able to build a home in excess of 2,400 or 2,500 square feet—a three-bedroom home. Today, we have a nice little development in West Bay by Frank Hall and I think the average price for a one-bedroom home is \$119,000, and a two-bedroom is like \$130,000. People today have gotten so used to the high cost of living, that is considered reasonable.

The difficulty that we have had is that even though the cost of living has gone up, wages and income have not kept pace. So today you are asked to find \$130,000 to build or buy a home but the average person in this country I would say is probably earning in the region of about \$1,500 to \$2,000 a month. Now, when you take into consideration the fact that there are other living expenses utilities, food, gas for a car, school fees and all of the other incidents that go along with living, it makes it very difficult indeed for our young Caymanians, in particular, to have available the income that they need in order to qualify for a mortgage.

Now, Madam Speaker, I would say that over the last five years we have made some progress with a greater number of Caymanians qualifying for a mortgage in this country. I want to congratulate in particular the First Elected Member from West Bay who when he was Minister for Housing came up with a very creative plan to make this reality more of a possibility here in the Cayman Islands by offering Government's Guaranteed Housing Programme.

The way that programme works is that you walk into a bank and say that you are looking for \$120,000 for a home. They will ask *'What's your income?'*

*'Yes, you do qualify but in order for you to be approved you have to find 20% or 30% of that money yourself and then we will pitch in the rest.'*

There are a very few of us who can put our hands on \$20,000 - \$30,000 in cash in order to make that possible. What happens with the Guaranteed Housing Scheme Programme is that Government has basically said to the banks *'if you are happy with this person as a client and if he does qualify for your consideration then we will be prepared to guarantee you that 20% or 30% that you are asking them to take out of their own pocket.'*

Madam Speaker, it is amazing how many people have benefited as a result of this particular plan. I did

request some statistics on how successful this plan has been, and, with your permission, I would like to give you those statistics. It is broken down also between the banks that are involved in the scheme, for example,

| Bank                  | Number of mortgages approved to-date | Dollar value of mortgage |
|-----------------------|--------------------------------------|--------------------------|
| CIBC                  | 144                                  | \$15,477,921             |
| British American Bank | 31                                   | \$4,384,848              |
| Bank of Butterfield   | 15                                   | \$1,356,455              |
| <b>TOTAL</b>          | <b>190</b>                           | <b>\$21,219,224</b>      |

Like I said, that scheme has been in place over the last 4 or 5 years. As far as delinquency, I am told Government has never been called upon to make good on any of those guarantees.

Madam Speaker, I recall a number of young Caymanians . . . and it is normally the young Caymanian couples that basically qualify for this consideration. They ask how the programme works, and you explain it to them and you guide them as to whom to talk to in the banks. Madam Speaker, what a difference when that young person or couple can come back and say, *'Thanks we qualified.'* You can see the spring in their step, the confidence and the hope that they exhibit as a result of the possibility of owning a home.

Madam Speaker, we need to make the issue of home ownership more of a reality in this country. Probably just a year ago, I was at shopping at Foster's at the Strand. And I ran into one of my constituents there from West Bay. He said to me, *'Mr. Jefferson, I am retiring'* I think he said the next day. I said, *'Oh, congratulations that's the day I am looking forward to seeing myself.'*

I said, *'What are your plans?'* He said, *'Mr. Jefferson, I am going to retire, but I am not going to retire here in the Cayman Islands. I really just cannot afford it. I am going to move to Costa Rica. I was able to build myself a nice 3-bedroom home for about US\$25,000.'* He said, *'Let me tell you, that home is well built and it lacks nothing and I am getting it for US\$25,000 or US\$30,000.'*

Madam Speaker, I am not sure that we will be able to get back to the point where the cost of housing is around \$25,000 or \$30,000 in this country. I think that is a thing of the past. But what we have to do in this country is be sensitive to the hopes and aspirations of our young people and we need to make those aspirations a reality. We have a problem in this country where once we make it, we kind of forget about other Caymanians that live among us that may not be as fortunate as we are. Also, we as a people have a tendency to try to lash out at other nationalities here who are able to work together, are able to assist one another, and before you know it they own a home or business. Why? Because they work together.

Madam Speaker, not too long ago that was a way of life here in the Cayman Islands where if you were building a home and I knew about it, I would come and help to mix cement, lay blocks or do whatever I had to do in order to assist. By doing this we reduced the cost of that

construction. Today, that is not the way of life in this country.

Madam Speaker, one of the difficulties that we have is that . . . let me give the banks credit. They have done a tremendous job of making mortgage financing more affordable and more available in this country. Right now, I think banks on average probably request you to find 10% to 15% of the requested mortgage amount, which is a tremendous difference from where it came from. I remember when I was thinking about building, I had to find one-third of what the estimated cost of my home was going to be. That has helped.

The other thing they have done is extended the repayment period to a longer period of time, which means on a monthly basis the repayments are much more affordable to the mortgage holder. The reason for this motion is to ask Government . . . I am not saying force the banks to do anything because I am one who would prefer to deal with cooperation and negotiation first rather than coming to that approach. I believe that much can be done through the process of cooperation in order to make the reality of mortgage financing more available to a larger number of our people.

To give you an example, I was listening to CNN up until today, and I saw a quote about a 30-year mortgage with 8½% [interest] I think it was. Madam Speaker, if we had 8½% mortgage money available in this country it would make the idea of owning a home more of a reality. At the present time, I would daresay that the average mortgage interest rate is about 13% or 14%. Now, on the other hand, unless you have \$1 million on fixed deposit, you are probably not making any more than 4% or 5% by way of interest on a Certificate of Deposit. So, there is a huge spread between what the banks are paying for those funds and what they are loaning those funds out on the other side by way of mortgages. I would say that the average mortgage rate today is probably around 13%.

Madam Speaker, I resorted to my little loan and mortgage table index. To give you an idea of what I am talking about, if you took the average home at C\$120,000 over a period of 20 years at 13½%, the average person is paying close to \$1,500 a month.

Now, one of the recommendations that I am also putting forward is that the period of repayment be extended from 10 to 20 years, to 20 to 25 years. To give an example of what the difference would be, let's say at 25 years, those same funds at 13½% would be close to \$1,400 a month. Madam Speaker, the same about of money, let's say at 9½% over 20 years would amount to a monthly repayment of \$1,100. That might not seem to be a lot of money but on a very small budget \$300 or \$400 difference is significant. I believe that the banks would be prepared to consider offering Caymanians (and I am pushing for Caymanians) mortgage financing at a much more reasonable rate than what exists at the present time.

In order to make more Caymanians qualify for financing is to expand the repayment period over 20 to 25 years rather than 10 to 20 years because it makes a

tremendous difference in the monthly repayment—the longer it is, the less per month, and the more affordable it can be.

Madam Speaker, we have another group of people in this country who is suffering tremendously with regard to housing, and that is single parents—be they men or women. Like I said before, even though we are experiencing unprecedented economic prosperity in this country they are still averaging \$1,500 - \$2,000 a month. There are some that are out there working—normally women who are the head of a single family—two or three jobs just in order to be in a position where they can have a little place for themselves and their family to live. The other difficulty that they run into is that if they don't have their own home, if they have children, they are discriminated against by landlords who have places available for rent. So, it makes it very difficult indeed.

I had a young lady come to see me sometime ago who was estranged from her husband. Her situation became so difficult and so desperate that she and her kids were living and sleeping in her car. Now, Madam Speaker, in this country where we boast of such prosperity and success that should never be the case.

There are some people who would still not qualify under this particular programme, but the more Caymanians that can have an opportunity to earn a mortgage in this country the better off we are going to be as a society as far as stability and the whole bit. I am appalled at what some people are demanding in this country for rent. A one bedroom apartment . . . if you can find that for less than \$1,000, you have a bargain. If you have children or other family members and you need a two or three-bedroom apartment, it could run you as much as \$2,000 a month. Now, Madam Speaker, I don't know about you but I would find it very difficult to take \$2,000 out of my income to pay for rent and at the end of the day the difficulty is what do you have to show for that money spent.

Madam Speaker, it is also a fact that home ownership adds to the stability of a society. We have always been able to boast of how Caymanians used to do it before the advent of banking and tourism in this country. They went to sea for a number of years and they gradually saved some money, sent it home and normally it was a wife or mother who would take those funds and buy blocks, sand, and whatever else it was. And over a period of time, they were able to build their homes from the income that they earned from going to sea.

Madam Speaker, that is no longer a reality in this country. Today, for you to sit and wait until you can earn the money that you need in order to buy or build a home you would probably be a very old man or woman before you realised that dream.

Like I mentioned before, I don't see the banks having any real difficulty sitting down with Government and negotiating a better rate for Caymanians in the area of mortgage financing. Even the Bible tells us, if you ask you will receive, and if you don't ask then you have no reason to receive anything. I believe that those banks that are here, that have a genuine interest in our community and in assisting, will have no difficulty meeting

with whatever government representatives may be designated in order to discuss this very important issue.

Madam Speaker, that's all I have to say in my opening remarks. I commend this motion, and I trust that government will see fit to accept it. I don't see a difficulty there, in that I recall just in our last Finance Committee meeting the issue of housing was discussed. I think in good faith the Finance Committee voted approximately \$1 million for affordable housing in this country. So, I wait to see what government's position is on this motion. Thank you, Madam Speaker.

**The Deputy Speaker:** There are four minutes left until the hour of 4.30 p.m., but before I entertain a motion for the adjournment, I have been asked by the Honourable Financial Secretary to request all members to attend a meeting tomorrow at 1.30 p.m. in the Committee Room. I like to practice what I preach. I like notice of meetings, and that is why I am giving honourable members notice of this meeting tomorrow at 1.30 p.m.

I will entertain a motion for the adjournment of this honourable House.

## ADJOURNMENT

**Hon. Thomas C. Jefferson:** Madam Speaker, I move the adjournment of this honourable House until 10.00 tomorrow morning.

**The Deputy Speaker:** The question is that this honourable House do now adjourn until 10.00 a.m. tomorrow morning. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it. This honourable House stands adjourned until 10.00 a.m. tomorrow morning.

**AT 4.27 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 17 MARCH 2000.**

**EDITED  
FRIDAY  
17 MARCH 2000  
11.09 AM**

*(Time spent in Chamber: 2.14)*

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

*[Prayers read by the Fourth Elected Member for George Town.]*

**The Deputy Speaker:** Please be seated. Proceedings are resumed.

The Honourable Minister responsible for Education, Aviation, and Planning.

**STATEMENTS BY HONOURABLE  
MEMBERS/MINISTERS OF GOVERNMENT**

**Hon. Truman M. Bodden:** Madam Speaker, I would like to apologise to you and Members of this House for the delay this morning. The Government had a meeting scheduled which was important. I apologise.

**The Deputy Speaker:** Thank you.

I have no apologies or messages, so we will move to Other Business: Private Members' Motions. Continuation of debate on Private Member's Motion No. 1/00, Reduced Cost of Mortgage Financing for Caymanian Owner-Occupied Homes.

Does any other member wish to speak? (Pause)  
Does any other member wish to speak? The Third Elected Member for Bodden Town.

**OTHER BUSINESS**

**PRIVATE MEMBERS' MOTIONS**

**PRIVATE MEMBER'S MOTION NO. 1/00**

**REDUCED COST OF MORTGAGE FINANCING FOR  
CAYMANIAN OWNER-OCCUPIED HOMES**

*(Continuation of debate thereon)*

**Mr. Roy Bodden:** You know, I have never seen such a eunuch of a government.

**POINT OF ORDER**

**Hon. Truman M. Bodden:** Madam Speaker, on a point of order. The word "eunuch" we all know the expression has got to be unparliamentary.

**The Deputy Speaker:** Honourable Minister, I do not know if "eunuch" would be considered . . . but for the

benefit of a good relationship in Parliament, I would ask members to refrain from calling each other such names.

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Perhaps you will allow me to say that I have never seen such an impotent government.

It should not be that a member from this side has to speak in order to save such an important motion when the motion was brought by honourable members from this side. Indeed, the government should now be speaking and replying as to whether they are accepting or rejecting the motion and giving reasons for so doing.

I rise to record my displeasure, and to also exercise my responsibility in that such an important motion like this should not be allowed to succumb to no debate or comment. I shall therefore make my contribution, although I am somewhat at a disadvantage because I would have preferred to have heard government's disposition towards this motion.

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

**APOLOGIES**

**The Deputy Speaker:** Honourable Member, if you will give me just one moment . . . I did forget, and I apologise, I received an apology from the Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources. He will be arriving later.

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** It is hard to be charitable under these circumstances. I have to continue by saying that it really doesn't make much sense for me to continue to debate with any kind of effect if I am in a position where I do not know the government's disposition towards this motion. I would say that this is the only Parliament where this kind of debate would continue with the reticence and absence of government making any comment at this early and critical stage.

If the minister who holds responsibility found it impossible to be here, certainly it should have been discussed among his colleagues and someone assume responsibility to speak on his behalf and state government's position. Such is the nature of the society in which we now live.

The motion seeks to address a crying need in this society. In the recent past many attempts have been made to address this need—through motions brought by

this side of the House, by proposals from government and attempts by government to arrive at some kind of solution to the problem. All, however, have fallen short because we have tried to address the problem unilaterally using only one element in society.

So, from the beginning let me say that I believe that if we are to effectively solve the problem of the cost of mortgage financing in this country, it has to be a problem to which various elements make a contribution. I see these elements being the government, which holds a natural and God-given responsibility to prepare its people. The second element has to be some of the institutions that continue to derive benefits from the social climate and congenial atmosphere found in the Cayman Islands. These entities need to cultivate a social conscience and exercise some social responsibility to the extent that they should be aware that they need to put something back. If this problem is not addressed soon, we cannot continue to guarantee the social stability we now have.

The third element concerns the stakeholders, the persons who need to have this matter addressed. Their responsibility is to set themselves in a position where they can be poised to take advantage of any mortgages or financial arrangements the government makes so they can realise their aspirations and dreams.

If the incident yesterday (so starkly narrated by the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture) is an indication of some of the problems we face in this country, then we had better beware that we are dealing with a culture of poverty.

That we are dealing with a culture of poverty shouldn't be a surprise to anyone, since, as far back as 1978, an article published in the *Nor'Wester Magazine* of September/October 1978 indicated that there were pockets of the Caymanian society which exhibited all the symptoms of developing into a poverty culture. I want to say more about this poverty culture because it is not uncommon in this part of the world.

The anthropologist Oscar Lewis in *The Children of Sanchez* narrates strikingly the conditions certain kinds of poverty and deprivation breeds when he tells the story of Jesus Sanchez, the Mexican, and his four children. Again, Oscar Lewis (in *La Vita*) tells the story of a Puerto Rican family that emigrated from Puerto Rico to New York and had to deal with certain deprivations—lack of marketable skills, lack of a proper base from which to propel themselves into society. He gives us an idea of the kinds of circumstances these people have to encounter in order to pull themselves up by the bootstraps.

It is a fundamental thesis that it is impossible for people to rise above a certain poverty level if they do not have assistance from society, be that the government or other elements in society, with the camaraderie to place materials, methods, and means in the way to help these people.

The basis of what we are talking about is land. I want to come back to what I wrote in 1978. Way back in 1978, I saw that we were going to get into the problems

we are experiencing today. The Cayman Islands came from a history where all of the people were land rich and cash poor. When we took off on the threshold of our development in the late 1950s, early 1960s, land was the one common asset and commodity that every Caymanian had. We know the history: it was passed down by Wills and bequeathing.

When the Cayman Islands became attractive to outsiders the land was the appealing factor. First the beach land because that was a novelty to outsiders. Beach land had absolutely no commercial value to old Caymanians. We couldn't plant on it. The only thing it was used for was to build a boat shed and to haul a canoe up on. So, when these people came and fell in love with the beach land it was easy for us to part with that. We had no commercial attachment to that.

When that was gone, then other land became attractive. Now, there is absolutely nothing wrong with selling land. As a matter of fact, many people made their wealth off of that. But what is dangerous about what happened in the Cayman Islands is that when the Caymanian people sold their land, they were not encouraged to buy other properties. It was an absolute sale for which cash was the medium of transaction. The land was gone and then the cash was gone, hence we have the beginning of the problem.

I was so foolhardy, or bold or insightful, as to suggest that since we were a culture where land was the only asset along with the people, we should have thought about leasing the land rather than selling absolute titles. I ventured to substantiate that by saying that we were selling to persons outside of our culture who had a different notion of private property than we had, and also selling leaseholds was not strange to Europeans and even North Americans. So they would not have been turned off, or deterred.

I said in the third instance that we had the most fundamental example, namely, transactions that government did with Mr. Benson Greenal. All of that land that is now SafeHaven, and Galleon Beach, government leased on a 99-year lease. Many of these leases have subsequently been extended.

Ah ha! Madam Speaker, now comes the serious part. There were elements in the society that said what this man is proposing was anathema. It is contrary to any notion that we have. He is telling us that we can't sell our land. Madam Speaker, I did not say that. I am not an idiot!

So, I was vilified. I was castigated, I was subjected to official opprobrium, and there were some elements (who are still inside this Parliament) who said I was a Castro sympathiser and said it inside the Legislative Assembly!

Although that wound has still not healed, I don't want to dwell upon that at this time. Suffice it to say that no one came up with any alternative that would have allowed the Caymanian people to get some money, while at the same time retain some form of ultimate control. And, like I said, there is nothing wrong with selling if you can buy because many people make wealth off of specu-

lation. And land speculating is one of the most common means by which people amass large sums of money.

Alas, we have a situation in the Cayman Islands now: the land is gone, the money is gone and we have a population that will have difficulties procuring an apartment or a house because their earning bracket will not allow them to meet the requirements one has to meet in order to obtain a commercial mortgage. Therefore, the onus is upon the government.

Now, what can the government do? The government has already made a move to address the problem by setting aside \$1 million with which to buy land. I think that that is a move in the right direction. But government cannot do this alone. We have to shy away from the notion that the government can be all things to all people, particularly at a time when government is being called upon by greater and greater elements in the society to provide more and more amenities. So government needs help.

There is no shortage of ideas or notions as to how the government's efforts could be bolstered. But I would like to say that the efforts entered into thus far by government have been disappointing. It has been proven that the government is lacking in the capacity to meet satisfactorily all of the housing needs that exist in our society at present.

The government is required to guarantee the loans and the mortgages. In many cases that is problematic because we have failed thus far to outline clear, understandable and acceptable criterion for those people who are to access the finances. Every day—and this is no exaggeration—some young person comes up to me asking what he must do to qualify for the government financing. And what is alarming is that more often than not these are young people at the launching point of being vivacious and optimistic, people in their mid 20s and early 30s.

Sometimes it pains my heart. By the time I am finished explaining what the prerequisites are I can see them like a flower in the midday sun—the more I talk, the more they wilt—only to make the rueful admission, *'Man, that seems impossible.'* It's a crying shame and it does not have to be. It's a crying shame that a country which boasts of being the fifth largest international financial centre in the world, a country which before yesterday one would have been led to believe had absolutely no poverty and deprivations in it, has so many people unable, although honest and hardworking, to realise their dream.

I want to say in all seriousness that one of the breakdowns we have with the family stems from this point. If you would hear some of the circumstances . . . and I will not try your patience by reciting any litany of these cases. But at a recent public meeting I held in my constituency, I heard a story . . . an absolute lack of privacy, people living in the most abject circumstances. And I have to admit a certain amount of inability to offer any lasting relief, because dipping your hand in your pocket and pulling out \$100 or \$500 does not solve the problem.

That is putting a Band-Aid on open-heart surgery. These people need land that they can afford to build on.

The point I wish to make is that if we want to help these people, it is incumbent upon the government to find some source of affordable financing. I am not by any means an advocate of government placing itself in a position where it is going to be ultimately liable for millions and millions of dollars when people default. I don't want anyone to think I am advocating any kind of experiment because I know there will be detractors who are quick to say that that is what I am preaching. But the onus is upon the government to do this.

Before we can do that, we need to be educated as to the number of people who fall into these categories. We need to know whether there are 2000 people, or 3000. We also need to know their level of earning because we cannot effectively help them unless we first know the number depending upon us for help and what position they are in in terms of earnings. That is where previous efforts have fallen short. I am weary now that the matter is coming up on the eve of an election because the matter should not be politicised either.

I recall a motion brought by the present First Elected Member for George Town, seconded by a gentleman who is not here at present, Mr. Gilbert McLean the former Second Elected Member for Cayman Brac and Little Cayman. These things were highlighted to the National Team Government as to what was a low-income housing proposal against a middle-income housing proposal. In the cut and thrust of politics the efforts, however well meaning they were, were destroyed. Accusations were made, names were called, and the poor who so deserve got no redress. Of course, I don't need to add that the motion failed.

Government professed then, as they profess now, to have all the answers. And yet, the need still exists. I have heard it preached from both sides of the House that the most stable societies are those with the greatest numbers of people with a vested interest, namely houses, apartments, or businesses. But the lesson is purely academic. It goes no further than the walls of this Chamber. Nobody who is in a position makes any attempt to concretise it. I have heard it repeated on that side numerous times by a certain minister. Talk is cheap!

Well, the government talks the talk, but they don't walk the walk. And now, on the eve of a general election, they think they are going to soothsaying their way back in saying, *'Oh yes. This is a need that should be addressed. We are going to endeavour to help . . .'* Twelve years, Madam Speaker, . . . I am tired of pristine asseverations. I am tired of promises. Prayer is good. I encourage prayer. But prayers must come with a prescription for action.

I am in a downright irreverent mood because I am angry. I have been bottling this anger up since 1978. I have the original article. I am saving this because if the government intended to do something they would have said, *'Do you know something man? This article was written by a Caymanian about Cayman.'*

I want to read what I said on page 25. **“Previously the land was one of the few assets a Caymanian had. Now, the number of Caymanians with enough land for a small garden and a house is negligible. It seems fair to remark that in later years there will be an inability to procure reasonable housing and the society in some areas is rapidly showing signs of developing into a culture of poverty with substandard housing.”**

They didn't like the message, so the Minister of Education then (as he is now) gave the order to shoot the messenger. Well they are still shooting the messengers. But do you know what? The chickens are now coming home to roost. So we have delinquency, we have a breakdown in law and order and they still don't understand these things.

That is why I like intellectuals, people who can see the problem in its whole perspective. That is why I like people who went through the discipline of graduate school. These things cannot be viewed in isolation. You cannot just treat here and put a patch there without knowing that the wound breaks out from the inside. You patch the skin, but the heart still hurts.

Time is going to show that if we keep wasting the opportunities the problems are going to grow worse. We should seize the opportunity now and deal with this. I say again that government can't do it alone. We have to find a way to incorporate all elements of society. I would be ill informed if I stood here and said that government must do it alone. But government has had several opportunities—false starts I call them.

What happened to the Housing Authority? It was sold to a commercial entity. So now we have to start all over again.

We can't continue to waste our efforts. To say that we are not as bad off as some other Caribbean islands is being a little like the Pharisees and Sadducees. *'Oh I am not like those other people. I am not like the publicans.'* It doesn't matter. We have the problem here. Comparing us to Jamaica, Trinidad or Barbados is not helping us. We have the problems here, albeit on a smaller scale.

Do you know what is true? The problem in those jurisdictions did not start phenomenal and gigantic either. It started in little pockets, just like ours. And progressive governments did not attempt to address it in the right way and it just grew, and grew, and grew. So let's not resort to self-righteousness, and let's not indulge ourselves saying we are not so bad after all. The fact is that we have some here and that we need to address them. We also need to realise that it has to be done in such a way that there is a totality of efforts.

Lack of housing leads to antisocial behaviour. When you have three and four children sleeping in a room with absolutely no privacy . . . when my son doesn't have decent enough accommodations and surroundings so that he can invite his friends and his contemporaries from school to spend a day with him . . . it does not do anything for his self-confidence. It does not do anything for his self-esteem when he hears other people talking about “their room,” and he knows that he has a corner

that he has to share with his mother and father, sisters and brothers, where he cannot practise proper hygiene. That is destructive.

The person from those surroundings is ripe for someone who says, *'Hey, listen man, there's a way to get some money, you know. There's some short cuts.'* We have to see this deprivation in its totality. If we have a nation of people who are not properly housed, who don't have proper accommodation, it makes no sense to be self-righteous and say we are the fifth largest financial centre in the world. When you scratch the façade then you see the real problems.

I have been saying for years that we have been marking our progress on a faulty report card, and that we need to stop shooting the messengers when we don't like the message. We need to listen. We need to do like we do in church when the minister says repent. We need to repent.

How can we expect parents to cope when they don't have the most common amenities and facilities to make life comfortable and liveable? When you don't have a decent stove? When you don't have a sanitary bathroom? I am tired of trying to help people. I tell them, although I am moved sometimes, because the heart is not hard . . . when I give them money I say, “I am giving you this full well realising that this is not solving your problem—I am giving you an aspirin when you need brain surgery. This will only relive you for a short time.”

What can the government do? That is the seminal question. Well, the government ministers often say that we don't provide any alternative solutions. If government wants to address this in a sensible, scientific, and empirical way, is to first try to ascertain the number of families who are in dire need of housing—some form of survey. If they want to wait until the census is complete . . . I hope that it was filled out by a sufficient number of people so that we can get an accurate reading.

Having received that, along with the income bracket in which these people fall, government should take a topographical map and identify areas that would be suitable to establish housing or property that these people could buy. Then comes the important part, we have to find affordable financing.

Quite naturally, they will need some help. Government may wish to continue as it has by guaranteeing the loans and mortgages. I think the greatest and most effective efforts will be those in which there is a clear and understandable partnership. The people benefiting must have a vested interest. That is why when you go to the bank to borrow money you must meet certain prerequisites. If you are building a house, the bank likes to know that you have it up to the belting before going to them for a mortgage. If you are buying a car, the bank likes to know that you have 20%. The reason is that the bank wants you to know that you have a responsibility and an obligation to keep up your part of the bargain. If you don't, you won't just be losing the bank's money; you will be losing your own.

I think the most effective efforts will be those in which there is a partnership. When government identifies



the areas and sets the financing up, persons benefiting should be called upon to make some sacrifices, be that coming up with an initial investment, or bringing the house up to a particular standard, whichever is easiest.

Where is government going to get the financing from? I haven't got a clue, only to say that we often boast that there are 500 banks in the Cayman Islands. Some bank shareholders must be so charitable and Christ-like that they will set aside some monies for these people to borrow for reasonable rates. I can't, but government can approach them.

I am sure that we have ministers over there who are suave, articulate, and influential. If they are so minded, they could seek to set up these kinds of arrangements. I am tired of hearing people talk the talk when they are not walking the walk. We, on this side, can only talk. We walk a little, but we can't walk as far as the government. They are more able, more energetic, have more authority, more influence. If they are minded, . . . I hope that when they get up they won't shoot the messenger, but will say if the proposals can work.

History has proven that if we don't address this, our society will cease to be as stable as it is. I don't want to point fingers; I don't want to dwell on the past anymore. I do not want to rehash . . . believe you me, I am still hurting, but I try as hard as I can to exorcise these old ghosts. But this should have been done a long time ago.

It makes absolutely no sense for us to say that we know that home ownership adds to the stability of society, and yet we do nothing about it. There are needs which should be addressed. I think we should get on with it. Based on my experience, I will be very surprised if anything comes out of this motion at this time, other than a lot of grandiose talk. This is an election year and I am not criticising anyone for political posturing, but I know a certain amount of that will take place. The signs are already there. But we can continue to delude and fool ourselves if we think that this problem is not going to come back to haunt us later.

There is an adage that I have tried to live by. I would prefer to be right than popular. One may get away saying things one thinks people wish to hear for some time, but time and posterity will be the judge of such persons. I would rather be right and unpopular than popular and proven wrong. That has always been the message I remind myself of, particularly since I have been blessed and chosen for a position of responsibility.

I could go on longer, but I will resist my ego that tells me to be mischievous. I have made my point. I am waiting to hear what the government will say regarding my comments. I would not be me if I did not end with this caveat: Just like time has proven my article written in 1978 correct, so too will time prove me correct if those persons in a position to rectify this problem continue to dither and procrastinate. They will be haunted to a greater extent by this problem than will the Third Elected Member for Bodden Town. Thank you.

**The Deputy Speaker:** Does any other member wish to speak? The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** This motion has a good intent, and the government, as far as the resolve section goes, is happy to support it. The government has, over the past seven years, had in place policies that have assisted first time Caymanian homeowners. It has been of a lot of benefit to the people of this country, especially the young people who are starting out in life.

There are several initiatives that this government has put in place, which have been developed and increased over the years. First, there is the Housing Initiative for Affordable Housing in which the stamp duty in relation to first time Caymanian homeowners is waived up to \$150,000. That was increased on 21 June 1999 by a private member's motion, which was moved and seconded—not by the Third Elected Member for Bodden Town! The glory (if we must call it that) must go to someone else.

For many years, that scheme had been at \$125,000 and it has helped many, many young people, mainly, in these islands. So that is one solution that government has that was improved on by increasing it to \$150,000 by two other members through a private member's motion in the middle of last year.

The other initiative is where we have young people . . . well, not just young people, anyone, Caymanians who are buying land to build a home. In other words, a house lot. Then, if they are a first time homeowner and that lot is towards that first home, the stamp duty is waived on up to \$35,000. The motion in mid-June last year brought by two members—and not by the Third Elected Member for Bodden Town—increased that from \$25,000 to \$35,000. Solutions, Madam Speaker, solutions that government in partnership with two other elected members of the backbench who developed these, or increased them, rather, have assisted the people of this country and continue to assist mainly the young people of this country.

Throughout my time in here I have said that the most stable people in any country are homeowners. If a person has a home he is far more reluctant to do anything that would hurt the country and thus hurt his home. It is acknowledged worldwide that it is in the interest of a country to have as many people owning their own homes as possible.

The Cayman Islands with its long tradition of land and seamanship that has assisted with homebuilding in this country has remained stable because I believe a large percentage of our people are homeowners. The extent of that we will not know until the census is completed. But I think we can be assured that many, many more people in these islands own their homes than they do in many other islands.

The stability of this country depends upon this, and government regarded this critical. That is why it introduced between 1992 and 1996 a policy that brought into

effect assistance to young people, mainly, to own their own homes.

The second initiative that has been brought into effect is the guaranteed home loan assistance where government guarantees up to 35% of a loan up to an amount of \$150,000. There are many people out there that would not be able to get mortgages without the assistance of government. This has opened up a whole new horizon of hope for people that the mover of this motion, the Third Elected Member for West Bay, has raised at this time.

No matter what the other conditions of the mortgage are, the most important and most difficult one to fulfill is showing a bank that the owner is able to put sufficient equity into the House, i.e., that they own the land, or that they can put in 20% equivalent, either in land or cash, to get the loan. Traditionally, banks will not lend 100% on an asset being purchased.

That has produced a new horizon that has been a lot of light and hope to the young people of this country. Indeed, not everyone can fall within this bracket. That too has been increased recently, and has to be increased each year so that it keeps in line with the cost of housing.

I don't have the statistics, but I remember that one of the main banks in this (I think it was CIBC) provided \$15 million for a lot of loans. I know that the ministry responsible for this . . . and, Madam Speaker, you did mention that the honourable minister responsible was not able to be here this morning. But I know that his ministry continues to improve the streamlining of the application and grant process for government guaranteed loans.

I believe that this should be extended to allow an even wider group of people to benefit. Earlier this year \$1 million was appropriated in this honourable House for government to deal with housing for persons who cannot fully afford to build a house. That is merely an extension of what was started by me back in 1979 when housing, or social services, rather, was under my ministry, and what produced in the Watler's Road area—one free house that is still there. It would have produced another 11 houses had it not been stopped subsequently by a minister who came in, Mr. Ezzard Miller. It would have produced 11 houses in that area that could have been given and/or leased if necessary. But mainly I had planned that to really go to people who could not afford it.

I think this would have been good if it had continued. I see this \$1 million as a continuation of that type of housing, because there are people in this country who cannot afford a mortgage, who cannot afford rental, and provided that they are trying as hard as they can to make ends meet (and God knows most do), then I think it's the duty of this legislature, not just this government, to provide houses for them.

I know that I did an in-depth study of the Watler's Road area, the Rock Hole area. I knew in detail and had maps relating to every parcel of land, every house, how many people were in the houses, the size of the land, whether they owned it, leased it . . . also those sharing whether or not they were family. That is important when

planning. I believe that will be updated and continued at this stage. But the housing, or ownership of houses I repeat, is critical to the stability in any country.

Unfortunately, a lot of politics has been introduced into this motion by the Third Elected Member for Bodden Town. I ask, in reply to what that member has said, What solution has been put forward in all of that political talk to help the country? As a joke, all I would say about not shooting the messenger is that most messengers who have been shot have a lot of mouth and no action. Perhaps caution in that area . . . because actions speak louder than words. There is a saying, "I'd rather see a sermon than hear one any day. I'd rather one should walk with me than merely show the way." Talk is cheap.

I believe that the mortgage interest given by the government guaranteed loan scheme is considerably better than if there was higher risk. We know interest increases with risk. While I have not been able to confirm that government's guaranteeing the 35% would undoubtedly give leverage for better interest rates. I hope that that is the position there.

Obviously, government is quite prepared to continue to assist. Indeed, what government has done in the area of housing is unprecedented in any other country compared to the Cayman Islands. What would have been far more constructive in that half-hour of talk we had there is if some solutions had been put forward. Actually in one half hour I believe the Third Elected Member for Bodden Town could have called every commercial bank here, the seven of them, and asked if they were prepared to give a better interest rate, and on what terms. That's constructive. That could have been done in a much shorter period than the time spent here.

To come here and consistently provide directives to government while there are no solutions going with it leads me to believe that in many instances the Third Elected Member for Bodden Town and others from time to time have no solutions. They realise that because the calibre of government is so high they can ask us to find the solutions. Therefore, we are always happy to assist the backbenchers, such as the Third Elected Member for Bodden Town, in things that seem so simple as picking up a phone and calling one's banker and asking for interest rates to be lowered.

**Mr. Roy Bodden:** Call your banker!

**Hon. Truman M. Bodden:** I believe that the same as proper rates can be lowered . . . and I think one area we can leverage this is where the government is giving guarantees. I think, if that has not been negotiated down to a minimum, that we can do that.

But really, the amount of time spent preparing this and talking on this, and really just at the end of the day saying we have no solutions for the government—find them . . . in this country the public knows that this government is responsible. The same as it found the solutions to housing in the several areas I just mentioned, areas that are working well, perhaps not perfect, and we have to improve on those and we continuously do that.

Then, by all means the government is prepared to accommodate the Third Elected Member for Bodden Town, who has no solution to this problem by picking up the phone and calling the banks or meeting with the banks to ask them to reduce the interest rates.

I believe that when the census results are in we will be in a position . . . and in fairness to that member, he did say that perhaps a survey of housing is best dealt with after. I agree with him on that. I believe we will then have a better idea of housing in this country and also of the economic level of people in those houses. To do a comprehensive plan, we may find that the results of the census may show that we need to increase the value of the guaranteed loans from \$150,000 because many people are in houses that may be near, or above that we could assist further. It obviously assists people up to that stage.

Or, we may find that that scheme has to be varied with a different layer in which a higher percentage of guarantee is given by government in some instances. I am saying this because I think it is very important that people in this country with the pride they have do not like to be given everything. If they can take out a loan for, say, 50% or 40% of what it costs, and government guarantees the balance, they will have pride in it. I think that variation to the present good schemes that government has is perhaps something that we can develop after we see the census.

People who preach doom and gloom finally get doom and gloom. I am an optimist. I have to live in a world where I look at things positively. I have to look at problems and find solutions. It's no use in my standing here saying *yes, there's a problem in housing*, and spend all my time on the problem. I would rather spend 1% of my time on the problem and 99% of my time on the solution.

Discussing problems doesn't put people in houses. To get people in houses, someone has to do something positive to solve the problem that one sees. But further than that, if one exaggerates the problem, then one worsens those people's positions because you are then basically putting in the minds of the public and the lending institutions that there's doom and gloom out there. We know that in other West Indian islands, large and small, when this has been preached they finally got the doom and gloom the people preached. Then those people said '*Ah, here's what I told you.*' But in effect, they have helped cause the downfall of the country by taking negative approaches.

So with housing, unless the positive approach can be taken . . . and I would like to mention another positive approach that government has taken. There is something called a Civil Service Loan Scheme that is for civil servants, administered through the Civil Service Credit Union. That has quite recently been extended and developed. Civil servants, within the guidelines set out by government, can get loans. Not necessarily for housing, but for other areas as well, even though priority is given towards housing. I believe that has helped a lot of civil

servants to be able to get more of the necessities they need from time to time.

So, I always believe in dealing with facts, which I have dealt with here. I have never shot the messengers, even when they have been messengers of no action and a lot of words. But every four years the public sometimes does shoot those messengers if in the four years there has been no action and just a lot of words.

I believe that the motion is good. I believe it extends into an area that the government is very happy to build on and discuss with the lending institutions that are not just banks. There are other important lending institutions that we should speak to as well.

In summary, the government does have a very helpful and viable guaranteed home loan scheme for Caymanians, it went up to \$150,000 of which government guarantees 35%. I believe that after the census that has to be looked at because that 35% or the \$150,000 may need to be adjusted upwards. Also, government, in its wisdom, has waived the stamp duty on land for houses up to \$35,000 for first homes, as well as on homes and land up to \$150,000 for Caymanian first homeowners. Also in place and being worked on now is the \$1 million for housing for persons who can't afford it. And also the improvement to the civil service loan scheme. So, a lot is in place.

Government places the utmost importance on the youth of this country. It places the utmost importance on ensuring that those youth, indeed everyone, owns a home. We believe that the stability of this country has come from the hardworking people of this country who built their homes in stages many times, as our forefathers went to sea and sent money home. In partnership with government, will be able to say one day that everyone in this country, young and old, either outright owns a home or is in a home that their family owns. That will guarantee more stability than 20 years of talk in this House.

I believe that it will guarantee the stability when many other things will not do so. A homeowner is the most stable person in the country. They will never rock the boat. They will never do anything that causes their home to be lost. And we know that destroying the country destroys people's homes. I think to preserve that we must not only continue the very good education of our youth, but also afford them the opportunity to own their own homes. I support the motion.

**The Deputy Speaker:** Does any other member wish to speak? (pause) Does any other member wish to speak? (pause) The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** Anything that can be done to give people a chance to own a home, I am prepared to support. As we all recall, I brought a motion here in June last year that was debated over three days. The House accepted it. I took a lot of blame, and it was passed. But I don't know what has been done. That was in June last year.

Finding a solution is not easy. But I would have hoped that we could have had some answers as to what was happening with that motion and the various things people recommended. As I go through the *Hansards* of those three days, I find that there are some 20 recommendations coming from both sides of the House. In practically every contribution there was a recommendation. I don't know whether government has looked at the recommendations recorded in the *Hansards* to see whether or not they are workable.

We can only put forward recommendations. And government should look at those recommendations. Tell us what they agree with and what they don't agree with, but don't tell us we haven't made recommendations.

No one knows the need for housing like I do. When I got the responsibility for housing, I took it on as something that had to be done through various means. I know what people go through, living in my grandmother's house with two families, no running water, no inside toilet facilities. I know what it is to have a roof that leaks, a floor that is bad. I went through the stages of not being able to invite friends over. While there was a big beautiful yard, the house was very old. My family was poor like many others. I went through all that.

I had to study by lamplight. We had to scrub the floors ourselves as children. I knew about all those things. I know about sleeping with my sisters and brothers together on a floor bed. I know what that is. Nobody needs to preach that to McKeever Bush!

That is why I took on the housing portfolio with such fervour. I tried to get something done. We looked at various items. And, like I said, that debate in June was so long, I don't think I need to go back over that. But the scheme that we arrived at was not perfect. Up until I left Executive Council, 170 families had gotten homes. How many got since then, I don't know. That's what they got for the four years I was the minister.

I said then that housing needed to be looked at in various initiatives simply because our people were not going to live in homes cluttered up together like apartments. Everybody wanted a little piece of land. Land over the years, because people were selling their properties, has become much more expensive, even from when I was a child. We know that land prices have skyrocketed. So that was making it difficult for people to own.

I found that people did not particularly want to live in apartment-like homes. They wanted their own plot of land. Most people wanted to feel that they could contribute and that is because of our independent nature. We have pride. So, I found that we had to attack this housing situation on various fronts.

When I took over the responsibility, the Housing Development Corporation (HDC) was the only entity in government to get houses. The HDC, as Mr. Dan Scott, (the Chairman at the time) told members, was not able to fulfill its mandate because it could not attract the funds from the private sector. The rates were higher in most instances than what the private sector offered. By the time everything was done, the people were paying more

than what they would have paid the private sector in some instances.

Government was not willing to put funds into it. I have looked at housing development corporations in various countries. I come back to Hong Kong's situation. The only way housing development corporations work is where the government is prepared to put in the money, or they get funds from private investment.

Previous governments couldn't get the money needed. The one I served in for four years couldn't get the money either, nor would they give me any to put into the Housing Development Corporation, anything of substance. I think they gave something like \$240,000 a year. Government owned the HDC.

Thus we tried to get a scheme. I don't need to go through that because there were good ideas on both sides. But I think that if anybody took any licks for housing (and all you have to do is search the *Hansards*) it was me! All sorts of things were said—that I had a share in it because I had a real estate company, all sorts of things. Now we know that's not true.

I should also say that there was opposition in government at that time too. And the National Team at the time said that they would not go with that scheme, so we went to the banks. I believe, and I say here publicly, that the banks themselves put opposition into that scheme because that scheme would have given them some competition.

Nevertheless, we were able to sit down with the banks and discuss the ways and means of coming to something similar. Thus the scheme which was put forward by my ministry, and which I believe is still in operation, was more a credit enhancing scheme than anything else. I said then too that the scheme would not serve everybody, and that the problem needed and still needs to be dealt with by various initiatives.

I don't know if the banks have changed their minds, but I do know that my permanent secretary and I talked to them in various meetings and begged them to give lower interest rates. But what they told us was that the rates depended upon market forces, and on what people were putting into their deposits. I guess that's what they called market forces. But they certainly didn't do us any more favours than the present scheme. They would not go any lower. The ratio to income is the hindrance in that scheme, the 40% (or they may have gone down to 35% ratio of income to mortgage payment) was one of the greatest problems.

The Fourth Elected Member for George Town gave some statistics on income. I think I gave a good exposé myself on the type of income in this country. They can't come up to that mortgage level, the ratio is way too high. Interest rates plus the ratio is way too high.

As I said, if you go through the *Hansards* you will find some 20-odd recommendations. The First Elected Member for George Town and I moved to allow for homes to be built up to \$200,000, instead of the \$150,000. The rationale was that if a person went up to \$155,000, he could not qualify for the \$150,000. And we asked government to go up to \$200,000, and if they have

to pay on the extra \$50,000, fine; but allow them that much more. They rejected that. It was voted against.

The waiver of stamp duty on land was accepted through the motion we brought. I don't remember whether it was the First Elected Member for George Town and I, or the Third Elected Member for Bodden Town who did that, but I think they allowed that. There were various recommendations from members of the House.

I believe that government made some mistakes if they bowed to anybody when they took out the aspect of the common law marriages. That hindered people in a big way because that's a fact of life in this country, and we are never going to see anything different.

They made another mistake when they took out the ability for parents and children to get a house together. Our first house, my mother's home, . . . my eldest brother went to sea and in those days it was \$135 a month that he sent back. I was 13 years old. I can tell the world that one of the reasons why I left school, besides the educational system of the day, was to try to get a home. We simply had to get a home. And all of my earnings went to assist in building that home.

Do you know what? My mother and I could get a loan together. My mother and my sisters could get loans together. I believe that we should have that action in this scheme, and it should not have been taken out of the scheme. While the Cayman Islands has changed since the 1970s, I believe there are still children who respect their parents and who would assist. Right now, my two sisters qualify together, but not separately. They need a home. They can qualify together. They have children, but they can't qualify to get a home from the housing development in my constituency, the one put down by Mr. Heber Arch and others. They can't.

**The Deputy Speaker:** Is this a convenient time to take the luncheon break, as the honourable Financial Secretary requested that he would like to meet with us at 2.00. Is that okay?

**Mr. W. McKeeva Bush:** Yes, Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended until 2.30.

#### PROCEEDINGS SUSPENDED AT 12.45 PM

#### PROCEEDINGS RESUMED AT 3.52 PM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** I would like to say thanks to you and honourable members for the time taken this afternoon to allow for a select committee meeting on issues relating to the White Paper. This went on beyond the originally allocated time, and I would like to apologise for that delay. And, Madam Speaker, there were other

very important issues connected to this. Once again, I thank you for the time allowed.

**The Deputy Speaker:** Thank you.

The First Elected Member for West Bay, continuing his debate on Private Member's Motion No. 1/00.

**Mr. W. McKeeva Bush:** Thank you.

As I said, the housing problems in this country will have to be dealt with by various initiatives. As I said, the motion back in June dealing with housing—which government accepted—had some 20 suggestions. I don't know how many government has acted upon. It is obvious that in today's marketplace that various initiatives need to be looked at. It's obvious that we have people who are not making the kind of salary to be able to pay the kind of mortgage required to get a house built in today's marketplace.

It is obvious that we have people at the lower end that need to be assisted. When we look at their situation some assessment will have to be made as to what these people can pay, if anything at all, that is, the people at the very low end. Because we have a small landmass here, and while we prefer to have homes built on a piece of land as we were accustomed to, it could be that we might need to build the apartment-type housing in various areas so that some of these people can get homes at a minimal payment of \$200, \$400 per month, and own it. If government is going to do that, they will have to buy land and build.

In that instance, they will have to make sure and keep watch on the maintenance to see that it doesn't become a slum. Make sure there are agreements between each person owning so that they take care of the property. I have seen this done in Canada.

As I said, looking at the housing need as it is today in Cayman, various initiatives need to be done. We have the scheme that produced the 170 homes. And then, in social services, I know there were over 200 housing projects. So, on that end there were attempts to assist people and you are going to have to continue to do that. You are going to have to continue renovations on the old homes in these islands for people who don't have the wherewithal to do it, our elderly and handicapped.

As I said, there were various recommendations made in June. I would like to read four. **“One way that could be introduced is for government to get more involved, do a rental agreement between the buyer and the owner and the bank with an up front commitment from the buyer that a portion of the rental payment goes to paying down the deposit. Once this has been achieved the bank would then roll this over into a mortgage. Government and the banks could be made to join a pool to fund these types of mortgages.**

**“Interest rates on these types of mortgages would need to be set at special rates, below what the norm now is in the guaranteed mortgage scheme . . .”**

Another suggestion that was made was that “. . . **government would put aside sufficient funds annually to provide soft loans up to a maximum of \$100,000 for a period of 30 years. Then government would give a 5% interest rate for first time homeowners.**”

And three, one of the ways we had discussed in the ministry when I was there, and we had the intention to carry the programme through, was “. . . **looking at introducing a system that if the interest had to remain the same in the country that is being offered to people for mortgages, especially the lower income group, if the interest had to remain the same government with the banks would enter into another agreement. Government would be the 100% guarantor to the bank and the agreement would be structured so that government could pay the interest of the mortgage through a fund set up for such purposes and take back that payment from the borrower interest free but over a 30 year period so that the borrower's payment to government on that side of his commitment would be very minimal.**”

And four, we made a recommendation for houses on the present scheme to go from \$125,000 to \$150,000 and to \$200,000, and [waiver of] the stamp duty for first time owners to increase from \$25,000 to \$35,000. So government has not been short of ideas, although I don't see one in the House today.

They are all absent. I don't even know if I have a quorum. But . . . I am going to continue.

**The Deputy Speaker:** Honourable member, once you have mentioned that there is no quorum, it has been brought to my attention and I would ask the Serjeant-at-Arms to summon some members to make a quorum.

**Mr. W. McKeeva Bush:** Tell government to come in and listen to the recommendations they say we didn't make!

(Pause)

**Mr. W. McKeeva Bush:** Where's John? Can't you keep track of your leader?

(Pause)

**Mr. John D. Jefferson, Jr.:** If I was in charge, I'd know where they were.

(Pause)

**The Deputy Speaker:** The First Elected Member for West Bay, you may continue.

**Mr. W. McKeeva Bush:** Truman, they sent you back in already? You'd just gone out.

As I was saying, there were recommendations made in June. Government needs to take note of the various recommendations, not only from me, but also from the various speakers on that motion. They need to

move forward. What is under discussion now was talked about then. They need to move forward.

I was hoping to hear something concrete from them today. Nevertheless, so far we haven't heard. We hope that they will take all of those recommendations, coupled with this one, and move forward with it. In so saying, I support the motion.

**The Deputy Speaker:** Does any other member wish to speak?

The Fourth Elected Member for George Town.

**Dr. Frank McField:** Madam Speaker, what I have been experiencing since I have been in this House is that it is like playing with a puzzle—you just grab all of the pieces you find and think that if you have them all you somehow have the puzzle solved. But there needs to be a process of unravelling those pieces because they are not in themselves sufficient.

I support this motion because this is some attempt to find a solution to a problem that exists in our society. Many of our members here and outside recognise that a large number of our people are unable to afford to own their own homes. The part of the puzzle that does not seem clear is how to call government's attention to something and make sure that the attention is more than a debate.

In other words, none of us would not agree (especially with elections in November) that government should do something to bring to the attention of banks in this country the situation regarding interest on mortgages. But we all know that the banks are very aware of the situation, and that the government has been very aware of the situation, and that this honourable House is aware of the situation, and the general population is aware of the situation.

We are all aware that the way in which wealth is distributed in our society is not always creating conditions that would support or preserve the social fabric. We always say that housing is important in binding the community together in a common interest in the preservation of society. That is an acceptable premise. But what we seem to have difficulty with is how to get the finances and how to not just blame others for the fact that the finances are not in place.

We come back to the banks, and seeing them as ultimately responsible. Somehow, we are saying that interest is part of the problem. I would like to just talk a little about the interest. I believe that the interest rates in this country are at the root of the problems we have in regard to high prices for instance. Rent is high because the cost of borrowing money to create the premises for persons to live in is high. Construction of homes is high in many cases also because the cost of borrowing money to construct these homes is also high.

Then, there is the high price of land. Of course, we cannot blame the banks because our land cost is high. A lot of us have sold our land in such a way that we have disenfranchised many of our people. We have made

many of our people unable to purchase land that would be the beginning of what is needed to have a home.

Where do we start? Where is the problem? Does the problem emanate from the price of land? Is it the import duties on material? Is it the cost of mortgages? Where is the high cost of a house created?

If we would look at the different ways in which cost is created, we would see that it is not solely by the interest rate. Therefore, the interest rate is only one approach in terms of dealing with it. We say let's deal with lower interest rates because we realise that if someone builds us a home for \$125,000, there is the high cost of import duties on the materials. There is a tax on the labour in many cases by way of work permit fees. There is a cost to furnish the house and the tax on the furniture. In other circumstances the house might only cost \$80,000. But because of taxes it costs \$125,000. The value becomes inflated as a result of the specific economic policies of the government in regard to the collection of revenue for the general good.

I go to the bank and ask if they will lend me \$125,000 for the house. The bank says, yes, we want a 13.5% mortgage. I say, okay. I will pay them \$1,445 per month for 20 years. At the end of the 20 years, I would have paid the bank more than double that amount. Therefore the bank benefits from the high cost of the house in the first place because they earn more at the end of the day by lending a mortgage. They are going to make more if the house is \$125,000 than if the house was \$80,000. The bank has no interest in seeing the cost of the house decrease, because in decreasing the cost they would decrease their profits in providing the mortgage.

This seems to be a situation of what came first, the chicken or the egg. Which one do you change first? I believe that we need to create affordable mortgages. But we need to remember that part of the system that we live in is a system where profits are important. If profits are important, there also has to be a way of coercing people to participate as willing labourers in the system. In other words the theory goes, people have to have something to compel them to go and sell their labour at a low price to do jobs that are not necessarily empowering, and that you do this by withholding from them things they need until the time they have built up enough credit in the work system. The banks will ask how long you have been on the job, what money you have saved. So, that's part of the situation.

If government is going to adhere to the particular theory that a person should build up credit first, they shouldn't just be able to get a house, but they should get it in turn. We create a hierarchy of how we make available things that people need for their existence, and housing is part of the things distributed back to people because of their contribution to the productive process.

I don't want people to think that because it's election time I am spreading the gospel that we should all have a house, because this is not a socialist/communist society. We always find ourselves talking about the same thing at election time—housing. And we have to become a bit

more specific. Since 1980 we have been talking about solving the housing problems in this country, and all we have done is cause the cost of land to go up. The same people who talk about that turn around and assist in the sale of the land.

If the land is being sold, the cost of the land goes up. So there are all kinds of reasons why I feel there has never been a serious attempt to control those factors responsible for preventing Caymanians from being able to achieve these necessities of life in an orderly fashion. Therefore, we need to take into consideration what our philosophy will be in regard to home ownership. Do we think it is a person's right to have a home? Or do we believe that just because it's election time it's good to talk to people? And who are we going to take something from in order to give someone something? If we are in a society where everything is already owned by somebody . . . in order for an exchange, somebody needs to give up something.

If everybody owns, and I need a house today, somebody will have to give up something for me to get the house. We are asking the banks to give something up if we are talking about a decrease in the interest rate in order for somebody to get something. So, if we are going to rectify and readjust the distribution process, we are talking about depriving one group in order for another group to have something since everything is owned at this moment by someone.

I think that people have to become more specific about where they are going to get this thing. I believe that every working Caymanian has an inherent right to a decent roof over his head. I believe that the Cayman Islands has accumulated sufficient wealth at this point for us to think about making this possible today. It might not have been possible 20 or 30 years ago, but it is possible today.

If government can say that the Cayman Islands can own an airline of national importance for pride, then when the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture made reference to the case of the woman with the five children living in conditions like we would find in Haiti . . . that's a question of national significance. The dignity of those children, the fact that they are natural assets of these islands, they are the future productive instruments of this country—not just consumers. If we can be concerned about the crisis created by the national airline and almost judicious in giving additional resources for the national airline, my question is, How come the government has not come to a point where it puts \$5 million into a housing bank that would be able to give these low interest mortgages?

My support of this motion is that government itself should begin to do this. Government can do this. The \$1 million we were able to get in Finance Committee to go towards this housing should be the first million that goes into this government housing trust, or loan association you could call it. Whatever we term it, it has to be an institution that has a mortgage system, not a giving away

system, but a payback system. What we are saying is that we are giving people loans at a lower mortgage rate.

I think this would be a good thing for government to look into. I think that too often we put the responsibility on making hard decisions on how wealth should be distributed on the so-called corporations out there and government has not played an active enough role in understanding why governments are charged with the obligation of having to collect wealth occasionally in order to repair social damage.

Part of the assumption that is made in countries like the United States, England, and Germany—developed countries, successful countries—is that if it were left to the individual corporation to freely choose to deal with social problems they would never be dealt with. The question is a question of security. The internal security of your country is dependent upon the social balance in your country. Therefore, countries collect taxes in order to defend themselves from external enemies, to pay policemen, to defend the upright citizens. The government is really the institution that looks beyond the individual interest, the limited immediate interest, and has the right to collect money in order to preserve the general good.

The government is the one institution in society that has the power to do something about just about anything that is done. If there were a private company right now that had Cayman Airways, the company would probably have to file bankruptcy. But it survives because it's government. Well, how come if we have housing problems in this country we blame it only on the banks? We have to blame government and its lack of creative solutions.

Let government lead by showing us how it sees housing as important to the ongoing social harmony and stability in this society. Therefore, you invest money in it because of the tremendous importance it plays in maintaining social harmony.

I think that as we have spoken, we have all demonstrated our commitment to social harmony and peace in this society. We have all shown that we understand the important role that social services must play in rebuilding the social fabric, in giving people security again. But the First Elected Member for West Bay mentioned cases. The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture mentioned cases. I can mention cases where I know of persons working hard at the hotels, stable workers, single mothers, and there are all these kinds of contradictions that come into play.

But the banks are not going to change their policies by legislation or any discussion because we have been discussing with them for a very long time. They might be willing to participate in a scheme if we were able to create that scheme and show them that we believe in that scheme; that we, as the guardians of the general problems in our society, were willing to say this is what is needed to give the Cayman Islands the kind of stability, the kind of peace and harmony it had . . . and even if it doesn't give it all back, at least it would assist in preventing more drastic breakdowns in the social control mechanisms in this country. Give us \$1 million.

The government itself goes out and borrows money cheaper than I can. It borrows money for itself, how can it not then borrow money for housing? We spend money on the jails, but they are not productive. We get nothing back. But if we spent money on housing we would get something back, even if it were only 1% interest. Even if we only earned enough to be able to keep our money from losing value, it could set the stage for housing development in this country.

Madam Speaker, I think it's that time now so . . .

**The Deputy Speaker:** I will entertain a motion for the adjournment of this honourable House.

## ADJOURNMENT

**Hon. Julianna O'Connor-Connolly:** Madam Speaker, I move the adjournment of this honourable House until 10.00 AM Monday.

**The Deputy Speaker:** The question is that this honourable House do now adjourn until 10.00 AM Monday. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 20 MARCH 2000.**



**EDITED  
MONDAY  
20 MARCH 2000  
10.21 AM**

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

*[Prayers read by the Third Elected Member for Bodden Town]*

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Item No. 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Deputy Speaker:** I have received apologies for absence from the Honourable Speaker, the Honourable First Official Member, and the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture. I have also received apologies for late attendance from the Honourable Third Official Member and the Honourable Minister for Tourism, Commerce, Transport and Works.

Other Business, Continuation of debate on Private Member's Motion No. 1/2000, Reduced cost of Mortgage Financing for Caymanian Owner-Occupied Homes. The Fourth Elected Member for George Town, continuing.

**OTHER BUSINESS**

**PRIVATE MEMBERS' MOTIONS**

**PRIVATE MEMBER'S MOTION NO. 1/00**

**REDUCED COST OF MORTGAGE FINANCING FOR  
CAYMANIAN OWNER-OCCUPIED HOMES**

*(Continuation of debate thereon)*

**Dr. Frank McField:** Thank you.

It's a new day, a new week since I started to debate this motion of which I am the seconder, calling to reduce the cost of mortgage financing for Caymanian owner-occupied homes. That very specific category can be seen as also relating to persons who have in the past been unable to get mortgage financing from the banks because their income has not been sufficient to qualify them.

It has been argued that one of the reasons why the income is not sufficient is because of the monthly repayment, and that the monthly repayment is due to the interest rates. If you could reduce the interest rates, you would reduce the monthly payments thereby allowing

persons in lower income brackets to afford to own and occupy their own homes. But, as we discussed this, we would also note that the question of addressing housing in this country has been an ongoing one. It has surfaced mostly at election time. All campaigns that I know of since 1980 have included questions of affordable housing.

There have been situations in this country trying to make housing available to Caymanians. They have dealt with what I consider to be the young professionals, where government is guaranteeing the mortgage, meaning the person does not have to have a down payment. That is really the only thing that differs from a normal mortgage—the person applying does not have to have a down payment. But the person does have to be able to pay back the monthly requirement.

Because they do not have a down payment, the monthly requirements are increased. So, if you had a down payment in the beginning of 5%, 10% or whatever, you would not be paying back as much. The mere fact that government has guaranteed mortgage loans for Caymanians means that persons have felt that government is doing something in regard to the housing issues in this country, and government is helping. Quite a few people have been able to qualify. But the persons who have qualified are making above what we know is the average wage in this country today.

If we say that 53% of the people are earning \$1500 per month and below. Then we know that many people will not qualify for a \$125,000 house having to pay back a monthly fee of some \$1,445. The disqualification of a large number of persons working in the Caymanian community, many being Caymanians, is apparent because of the workings of the economic system.

How can we change this? We have looked specifically how banks lend money. I have suggested that we also need to look at the way government helps to inflate the cost of materials and labour by government's need to tax a specific group of people in this country in order not to have to tax persons who in abundance hold the wealth.

It is not a question that we can easily correct without correcting government's approach to the social management of the country; without government realising that the social harmony that comes from social management has to do with people having access to things that are considered necessary for life and Godliness—like a roof over their heads.

Government has approached the banks over the years, and has tried to work along with the banks. But we find that in the country the banks are united in the restraint of trade. In other words, the banks work like

unions do: they bargain collectively, they set up mortgage rates and other interest rates collectively, and they stick by that in order to preserve what they consider to be the profits they all can and should make.

So there is a collective bargaining process which the banks go through as members of the Banking Association in order to arrive at a fixed interest rate which they can maintain, because no one enters in breach of what they have collectively decided as being fair and necessary.

The government supports this by limiting the number of class A banks operating in this country. The government is in compliance with this situation. It's interesting that government has suggested that the housing problems can be solved in the country in many ways. But the housing question is a money question. If the housing question is a money question, then why is it that government has taken all the pension money it brags about having accumulated—some \$79 million, or whatever the Leader of Government Business brags they have put in a pension fund for the civil service . . . where is that money?

Who has access to that money? People in Timbuktu? People in Hong Kong? People in America? At what rate are they borrowing our money? Are they borrowing our money in Timbuktu for less than we are borrowing money from the people in Timbuktu here in Cayman? What is happening when a country's government decides that its money for a specific group of its citizens would be safer invested outside the country rather than inside the country?

We know the reason why interest rates are low in certain countries is because of the question of supply and demand. There is a supply of money in America because Americans have spent the last 200 to 300 years in the process of accumulating wealth. So, if the supply is low here, the demand is high . . . therefore they can ask a higher mortgage rate because of limiting the supply.

Government, by its own economic strategy, limits the supply of money in the local market by exporting the money accumulated by Caymanians. Do you ask the banks to give you lower interest rates? I think that my interest in this particular motion is to show that the money politics in this country aggravates social development, prevents Caymanian people from affording homes because the government not only puts a tax on materials so that the house is taxed before it is built . . . long before it is built, government has its tax because it taxes the materials.

Government does not provide any money for its people. This is the first country in the world, probably, where government can exist without participating in the private sector, in the economy. So, whatever money government has, it selfishly—sel-fish-ly!—takes and sends it to other countries to develop other countries rather than letting it remain in the Cayman Islands to be put into a bank, a mortgage company where Caymanians can get mortgage rates at a competitive rate.

If government were to do that, it would be in conflict with the banks. So government deliberately takes its money and sends it away thereby depriving the working Caymanian of the possibility of owning a home. That's a crime.

We have to understand how we do things to our people. Sometimes a lot of us are not even conscious of what we are doing. But it is true, if government accepts the motion—because it's easier to accept something, but more difficult to practise something—they should practise what they preach. If government is not willing to set up a mortgage company and provide some of the tremendous funds existing in this country . . . we are now a country dealing with our own insurance and our own pension. It's collective resources.

I might seem to be repeating myself, but I am not making a speech here I am analysing. We are being deprived of the benefits of our collective energies. At this point government needs to establish a housing loan association, a bank, or some financial institution, that would make money available to the people at a commercial rate, but not necessarily a rate that has been derived at as a result of trade restriction.

I would ask government, if it doesn't want to use the people's money, to invite a mortgage company to this island. Just as we collect money, other people are collecting money all over the world. People are talking about the new economy. People are playing with money. We are in a period of financial capitalism where people speculate, and where money plays a very important role, where money operates as a money system rather than having to plough itself back into any industrial output.

People need places to invest money. We could get people willing to come here, if we are not willing to use our own pension money and health insurance money we are collecting. People from other countries could come in and provide Caymanians, and others who need homes in this country, with much better rates than the banks.

You need to put the banks on notice that there are alternative ways of dealing with the situation, that government has a responsibility to keep social stability, that government needs the money and needs to see that the money is flowing to the people unrestricted by its concept of collective bargaining. If there is a new government, or at least the possibility for me to influence a new government, it must pay attention to economics and how economics work.

We must put the money we collect from the people in this country to work for the people of this country, and we will not do that as long as the banks collectively have a monopoly over how money is distributed and at what cost it is distributed to the consumer, be he the Caymanian or the immigrant who has been living here desiring to have a house.

The high cost of apartments in this country is related to the high cost of mortgages. The high cost of living is related to the high cost of interest rates in this country. While the banks have been a blessing to Caymanians, they are at the same time the institution which

has helped to impoverish Caymanians and put a lot of what we now want beyond our reach because of the way in which they stick with one another and the way the government of this country seems to do everything to protect its monopoly on the financial policies in this country. Thank you.

**The Deputy Speaker:** Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause)

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you.

I have noticed thus far, as others have debated the motion, that many ideas have stretched beyond the realm of the motion itself. On most occasions, one would not be so minded to stray beyond the ambit, but I believe that this matter is one which is the exception to the rule. I believe that if any serious inroads are to be made with the problem identified in the motion, we have to be looking at it from a broad perspective.

If we look at the resolve section of the motion, the thrust of the motion, it reads, **“BE IT THEREFORE RESOLVED that Government takes the necessary steps to meet with the commercial banks that offer mortgage financing with a view of negotiating preferred interest rates especially for Caymanian owner occupied homes.”**

Now, the Honourable Minister responsible for Education, Aviation, and Planning, is the gentleman in here famous for taking a motion and not wanting to give justice to its intent tearing it apart. I am not picking a fight here, but it is a fact. He has that uncanny ability. When he gets up and talks about how so many of us preach gloom and doom, and we should be looking at the positive aspect of things, he should look at himself in the mirror every morning and remind himself of that.

Having said that, I will move into the gist of what I want to say. When I read the resolve section of the motion . . . if one wants to be technical, it is easy for government to accept the motion as worded. But, in my view, one has to go much deeper than simply talk about the government getting together with the banks to reduce the rates.

Let us get a clear understanding as to how this is presently done. Every so often we see an announcement in the media where the six or seven class A banks do a joint announcement saying *that as a result of the US prime rate increasing*—as announced by the great Alan Greenspan yesterday—the *new prime rate for the Cayman Islands is so-and-so*. I am not going to get into a long debate as to whether the fluctuations in US prime are directly responsible in truth and in fact for any fluctuations of the prime rate in the Cayman Islands because I think that’s a separate debate.

Suffice it to say that I don’t necessarily believe that when they use that as the yardstick they can justify it on every occasion. I don’t think it has the effect they say it does. I think it’s just taken for granted and easy to do.

We must also understand that we have a Monetary Authority here. We don’t have a central bank here. Yet, we have never talked about being able to use rational reasoning, at least not publicly, to be able to determine what the prime rate should be and the factors that affect the economy in this country. I am not suggesting that the US economy does not have a direct relation to ours. I am just saying that I am not too sure that it is all to do with that.

But as we have evolved into a Monetary Authority, we have never talked about having the mechanism in place to say what prime is. Of course, prime is basically what is used as the benchmark to set other rates, including mortgage rates. So you will hear the banks say that the new lending rates are three points above prime, depending on what it is. Of course, they have their own preferential rates too, depending upon who the good customer is. Unfortunately, that’s the way the whole world works, but a lot of the people who need those better rates are unable to acquire them.

Talking about rates, the point I am making is that if we really want to deal with this thing the way it should be dealt with, I don’t think government should continue to create a position where they have to go and talk to these people to negotiate. First of all, I don’t think that is going to bring any concrete long lasting results. I make no accusations, but if you were even to go to these banks in an ordinary fashion and say, *‘Listen we are having a lot of pressure. Some legislators are talking about the social ramifications and all of the various side effects that lending rates have. People are not able to acquire mortgages and, secondly, because of the rates they have to pay too much out of their fixed income towards their mortgages and they have no funds left for the other necessities. Let’s see what we can do about it’* . . . to placate the situation in the immediate term, you might have a grandstand and hear that rates are all of a sudden going to be dropped by two points, and yadda, yadda, yadda. But the truth is, it won’t be long before the situation reverts to what it was. That’s just the way it works.

As I have heard over the years that they use a formula where if the banks use that huge amount of money you have on fixed deposit at one of those commercial banks (and pay you 5%, they take that money and lend it out, some on long term, and some they keep maintaining their liquidity ratio. If they pay you 5%, they add 2% for their risk in lending money, they add 2% for the administrative costs of handling the paperwork, and then they normally add another 2% for profit. I have not spoken to any of them recently, but I know this to be a basic formula.

If we look at that unwritten rule, it tells you that nowadays there is probably a bit of straying from that formula because if you look at prime and you look at interest rates, you find that the difference in the spread is a bit more than that formula. The truth of the matter is that we have to accept that the interest rate set by the banks locally is based on the old formula of supply and demand. If there is a lot of money in supply, and they need

to offload it to make more money, they start making rates more attractive.

If that shrinks then they automatically decide . . . and for the most part they will have more demand than supply or, with the greatest of respect to them, they are going to create that position. I have to deal with them daily myself, just like the vast majority of us. So, while I can't complain personally of anything untoward with the commercial banks, if we are looking at the global picture here, and we as representatives have a certain responsibility, then we really have to speak it as it is.

Having established that it's based on supply and demand, let us take a minute to fully understand the situation. This is not questioning the integrity of the banks, but the Fourth Elected Member for George Town mentioned how the class A banks work in unison. They decide on one set of rates. While one is not suggesting that that should not be the case, here's the reality: The banks set prime, they set the rates; they decide on the terms, and from A to Z in the whole picture they are in total control.

One might say that is stepping far into the argument. I don't see any reason why we can't talk about it. I don't feel threatened. And again, I am not suggesting anything untoward. All I am saying is that what prevails now is that there is no other mechanism outside of those banks to create a check and balance to say that it is fair. Now, if I were one of those banks I would want a circumstance like that because interest rates are so high they have a negative effect on a certain sector of the society.

The truth of the matter is that, because there is no check and balance from that end, anyone can still bring that argument and win it from the other side because they don't have anything to base the argument on that side about. If you are not minded to listen to what the banker is telling you, then there is no point about it. The side saying the rates are too high can convince themselves that they have won. The only way to ensure that there is fair play when it comes to reasonable returns from investments with the banks, including their capital expenditure, is to have a mechanism in place which can justify the interest rate at any time. I think it should happen.

If I were one of the banks, I would be inclined to buck against that because it really doesn't suit my line of operation. But if we compare the number of countries in the world that have such a mechanism in place and the number that do not, then the Cayman Islands is in one little pocket with a few others just languishing in it, saying to itself, *'There's nothing we can do about it.'*

Look at Hong Kong. It does not have a central bank, but through their monetary authority, Hong Kong has a mechanism in place that deals with commercial lending rates. While we want to be sure that people are being treated fairly, given an earning power to be able to get the things in life that a wholesome society would call for, the truth is that it goes beyond just looking at the expectation.

We will find that some of the banks operating in the Cayman Islands, who have been allowed to lend money

are not necessarily in the same position in the recognised A class institutions—The Royal Bank of Canada, The Bank of Nova Scotia, CIBC, The Bank of Butterfield, even our own Cayman National Bank. But we have other institutions that have been allowed to lend.

Let me give you just one little horror story to show that there are things we need to seriously look at. There's an institution that has now been put into liquidation. That institution lent a couple \$155,000 US dollars for the completion of their home seven years ago. It took me a while to figure it out, because I couldn't believe it was true.

They looked at the couple's income and proportioned out what they thought would be a reasonable monthly payment. When the gentleman at the bank was dealing with the couple, he said to them "Which duration of payment do you want to engage in? A ten year mortgage or a 15 year mortgage?" He did not address the payment schedule. He simply asked that one question. They naturally said they would like to pay it off in ten years. He went no further with the money argument. He said "Good."

What happened when he went to his superiors seeking approval, and they looked at the income of the couple compared to what they wanted to borrow and what they could pay back, they realised that a ten-year amortisation would not work. So they must have said (I am assuming a few things, but I know I am not far off) to the gentleman, "Listen, if you want us to approve this thing you are going to have to deal with their income and extend the period so that the payments can be less."

He didn't say one word to the couple. He just called to give them the "wonderful news" that their mortgage was approved. Of course, immediately after that comes the question "what is the payment?" And it was \$1800 (US) per month.

Now, seven years have gone by and they have been paying this \$1800 (US) per month on the mortgage. Their initial borrowing was \$155,000. Since this institution went into liquidation, another recognised entity has purchased their mortgage portfolio. This couple now goes into the new institution to understand if everything is going to continue the same. Do you know what they discovered? They discovered that seven years later, not missing one single payment, not refinancing from their initial amount, they owe exactly \$400 less than when they started out.

**Dr. Frank McField:** That is so common in this country.

**Mr. D. Kurt Tibbetts:** That is a fact.

Using that example is not to suggest that every institution in this country works in the same manner. Of course, in the fine print it was right there. Do you know how long it was amortised? Twenty years!

For the love of me, I couldn't understand how they calculated the interest. God knows I can't understand that. They didn't tell them that was how long the amortisation period was. And, of course, as happens so often, when people want to get a house, they only want to hear

"your mortgage is approved." They are not really interested in all of the other things at that time. That's what makes them say, "Thank God, we have a purpose now. The kids will have their own rooms."

That is not to paint a pathetic picture. And I am not suggesting that is the rule of thumb. But, it proves the point that there must be some mechanisms in place to ensure that that type of situation does not occur. It's like this: There are 15 of us in here, plus three official members. Because a threat on somebody's well-being has been made, as a security measure whenever we come through the door the security guard will check us. We don't know who the anonymous person who has threatened is. But because I know that I don't live like that, I get mighty offended that the security guard has to search me. I am saying, "Who do you think you are? treating me like a common criminal." That is how some of us react. But the fact is that we have to take precaution.

I use that as a parallel to show why we need a mechanism. If a mechanism were in place, we would not have to be here today debating the question of high interest rates. When a mechanism like that is in place, it allows for reasonable profits. It doesn't expect an institution to operate as a charity. So, we are not looking for something that should not exist.

We have long held that what is loosely termed the "laissez-faire" style that we have in our economy, where the laws of competition balance everything out doesn't work in these islands anymore. The mere fact that when the statistics are calculated we find the disparity in the wealth distribution in this country widening, dictates that the economy is not producing the desirable end results in our society. While it still allows anyone with a driving ambition to acquire some measure of success, it runs the risk of creating a society that is quite apt to explode.

Once people do what they believe is fair, most of us don't really spend too much time looking at the big picture to see how well or [ill] society is. They figure that's government's worry. Then, some of us find ourselves being representatives of the people looking at the big picture . . . then everybody says, '*Hey, wait a minute. We didn't put you there to look at those things, because that don't look so good for us.*' But we need to ensure that every one of us understands the risk when we don't address certain issues, this being one of them.

We talk about immigration issues, and we talk about this. I am sure that what I have said this morning will bring about other arguments. If we do not have a society that is well, if we don't have a society that is in tact, then all the good things we keep talking about, and all of the great expectations we have, whether individually or on a corporate level, will be to no avail because we won't have a society that can succeed.

That message is one that we need to understand clearly. It is not the one the Minister of Education talks about—gloom and doom. But if he doesn't wish to address it, I feel an inherent responsibility to do so. And that's not preaching gloom and doom. I am just telling you to look out because you are going to buck your toe, fall down, and mash your mouth. Some of us can see it

happening, and wait until somebody falls down and mashes his mouth, and then pick him up and carry him to the hospital and then be God to him. But that doesn't help when in truth and in fact we could have prevented him from bucking his toe. There's an old time saying, "Prevention is better than cure."

When the minister takes 45 minutes . . . first of all, he says how much time we waste in this House. And he is the *ultimate* waster of time, in my view! He talks about all of us, and in doing that he wastes the time that we should be doing other things with. When he gets up and talks about how the Third Elected Member for Bodden Town should have called the commercial banks . . . now hear me, the Minister of Education is a banker! He says so! He knows better than I do how this thing works.

That minister should be getting up and making the responsible statement I know he is not only capable of, but *should* be making. But he plays games. His yardstick is who is going to be offended. The election is coming up now, so he has to keep everybody happy even if he knows that keeping him or her happy in the short term makes everybody unhappy in the long term. He diverts attention from anything that makes sense to talk about who should call the bank to find out what they are going to do.

He talks about a private member's motion that was brought to try and increase the amount from \$125,000 to \$150,000 that first time homeowners would get relief with the 7.5% stamp duty, and he points out that the Third Elected Member for Bodden Town was not a part of that—just to divert attention again! The fact of the matter is that the motion was accepted unanimously, which means that the Third Elected Member for Bodden Town agreed with it. And in his mind, he knows full well that the vast majority of private members' motions are talked about before they are brought. And the fact is, we just spread them out amongst us.

So, I just took a minute to show the flimflam way debates go just to try and tit for tat . . . you know, that kind of way.

This business about interest rates with mortgages and the intent of the motion, in my view requires a look-see with a much wider perspective. But it serves the purpose of trying to look at this thing. The answer is not just to go and talk to the banks today to get some immediate relief to see who is going to get credit for that relief. That relief is not going to last long. There are other areas that have to be looked at.

It is one thing to talk about the rates, but there are many other things attached to what those rates are to ensure not only continuity, but that what we achieve is what we want to achieve.

I was going to go on to another topic, but if you are prepared to take the morning break . . .

**The Deputy Speaker:** Proceedings will be suspended for 15 minutes.

**PROCEEDINGS SUSPENDED AT 11.18 AM**

### PROCEEDINGS RESUMED AT 11.39 PM

**The Deputy Speaker:** Please be seated. The First Elected Member for George Town, continuing his debate on Private Member's Motion 1/00.

**Mr. D. Kurt Tibbetts:** Delving into the area of interest rates just a little bit further, if we want to achieve the premise that the more homeowners a society has, the more harmonious and productive society will be, we have to look at the various income brackets within society and cater to the various levels of earning. We cannot ostracise any sector. Any sector of society at the biggest risk is usually where the most people are. Cayman in that respect is no different from anywhere else in the world.

So that the minister does not accuse me of doom and gloom again, our society presently has signs and rumblings of troubled areas, but is still in tact as a society. When we raise these issues, it's not to preach doom and gloom, but to simply bring the problem areas out so that we can address them before any doom and gloom occurs. It may suit him or others politically to speak like that, but we need to be factual with the country. If we say we do not have problems, we are not being truthful. But we can say we have problems with a view to addressing them while not necessarily preaching doom and gloom.

What I understand the intent of this motion to be is to look at certain areas so that persons having problems now, either with existing mortgages or those who cannot because of their earning level, acquire reasonable mortgages for a decent home. We need to look into ways and means to help them acquire the necessary mortgages. Of course, we immediately think of interest rates because if the rates were more reasonable the repayments would be more reasonable and there is a better chance to qualify.

I believe that one of the things we should be looking at is the banking institutions that exist around us. At this point in time they do not deal with these types of mortgages because automatically the risk becomes higher. It's simply a fact. Understanding that, we don't want to create a situation where we force these institutions to create schemes to cater to this. That, to me, is not the right approach. These institutions deal with a lot of foreign exchange besides lending, be it commercial, demand loans, car loans. We don't want to tell them they have to take the good and the bad.

But we want them to understand that our society is made up of everyone, and we have to now find a way to deal with the sector in our society that is more at risk than others. One idea could be . . . and I am sorry, I will have to explain that idea before I can get it out. Before I go into the idea . . . once they understand this I don't expect them to provide money for others to compete with them in the area of lending.

I remember years ago when the Housing Development Corporation was doing debentures, seeking capital to lend on mortgages. They were asking the institutions to participate in these debentures. I remember speaking

to several bankers who told me that it was unfair for us to take funds that would effect their liquidity position and give that to a housing development corporation for mortgages. So, it's a bit difficult to expect to take that approach.

We have to convince these institutions—and government should do that through leading by example in my view—to create an institution to deal with that area, but they need to assist. So, we are not competing with them. We are taking away the big problems they have in that area, not that they won't have problems otherwise because there is always a risk when lending money. I believe that any meaningful attempt in this area would have to be a tiered situation when it comes to levels of income.

Within a certain level of income it is difficult to qualify for mortgages. But we want to create a circumstance where they can acquire a mortgage. Perhaps one way to deal with it is to create an institution that is tantamount to a statutory authority. While the Honourable Third Official Member does not like the terminology that I am going to use now (and I understand why), I would venture to say that looking at these institutions explaining what we are attempting, creating viable circumstances by way of saying to these institutions, *'Look, the government is going to float some bonds for a specific purpose (we are not talking about government borrowing) to create a capital base to engage in lending' . . . to satisfy these institutions, government is going to ensure that their money is safe.*

But that would be almost similar to another statutory authority engaging in borrowing and government simply guaranteeing it. I think that is presently called a "contingent liability" and/or a "self-financing loan."

These are all hypothetical figures, but if you were to say let us have, say, \$200,000 a year over a period of five years, you need two things—a fixed return for these people that will give that institution to lend at a more reasonable rate; and you need it for a longer term. Those are the two sacrifices. But it is not about *giving* anything. In return for that, you could have an institution that would not have to say, *'Oh, here comes that one. I wish they wouldn't come through the door'* because it's a problem.

While you may wonder how can we create an institution that only deals with low income, which must mean the risk is higher, the advantage is that you run it like a business. But you have the two main ingredients that you don't have now: you are able to probably lend (and this is all hypothetical, I don't have the exact figures) at somewhere between 8% and 9% fixed interest on a decreasing balance, and you could extend 30 year loans to people with the minimum earning power who would then be able to deal with a simple but well planned out home, and have a \$500 or a \$600 per month payment. But you don't do it so that you and I can get a mortgage there. You have a checklist and due diligence that proves the person's income. To me, that's the answer we have to be seeking.

We go into all kinds of details in this Legislative Assembly talking about the problems we have. We keep

coming back to this argument about people who own their homes tending to be more productive in society. It's an accepted fact. Throughout history all of the larger countries in the world had periods of depression where government had to step in and coerce financial institutions to participate.

We talk about the ambience in the Cayman Islands, the atmosphere, the political stability, or regulatory regime—all of those good reasons why commercial institutions want to do business in Cayman. Many of them have been established for many years, and some are still coming. But, if we don't maintain that stability, that ambience that is so attractive, then they are not going to want to do business here either. And we may think that if it doesn't work out here, they can just pick up and leave. But they know, just like we know, places like the Cayman Islands are not being created overnight. And as time goes on, they become fewer and fewer. Our job is to maintain what we have here for their sake and for the Caymanians' sake.

Everyone—individual and corporate—must accept a social responsibility to ensure continuation of all of these good things that create the atmosphere to do business. I am certain that if this were put together properly . . . and there are several of them around. As far back as the 1950s, after the second World War, things like I am talking about were done by the government of the United States to stimulate the economy, to give the people self worth and the drive to go on rather than throwing their hands up in the air.

Because of this tremendous growth, we pay a price. I don't believe that the people who head these institutions are unaware of these problems. But this stand-off attitude, no great willingness to create a dialogue . . . we really have not sat down together to deal with these social issues.

If we are truthful with ourselves, we have been concentrating on solving little individual problems not taking the time out to examine the big picture, fingering the problems and going to work bringing sensible solutions to them. I don't want to jump at the government, past or present, for not doing that. But the fact is that is what we have been dealing with. We are now talking about interest rates and mortgages and people getting their own homes. But it all ties into the big picture, and that's what we need to be looking at.

If our corporate citizens can see a government with a vision pointing out what we have to deal with, where we want to see ourselves tomorrow and moving in a direction to achieve the goals we set, they are going to participate because it's not a great sacrifice. We cannot expect them, from where they sit in their office doing their quarterly reports or their annual returns, to be worried about what I am talking about. But what we can expect is once we understand and accept what is going on, we can say to them: *'Fellows, we have a few problems here that we need to be looking at. This is our idea. From where you sit do you have any ideas you can add to this?'* We can't leave this thing alone now. We need to accept that it's going to take all of us together to keep

this good ship Cayman on the right course. Of course we can do it.

We will not do it if we see the storm coming and lay down in bed saying *'When it's over call me'*—and hope for the best. We have the ability to take care of this country. We just have to be a little more innovative in our thinking. We have the ability to create the solutions. As I talk about solutions, I am really tempted to talk about the Minister's [of Education] continuous attack saying we provide no solutions. But I am not going to do that. I don't want to lose the effect of the points I am making here today.

Suffice to say that in what the motion attempts to achieve I have brought out some suggestions which might help. There are other ways. If it is not agreed to create a single institution to deal with this specific issue with a philosophy that does not go against the grain of the commercial institutions, there are also . . . I mean, in other countries the building societies were used as the machinery to get areas like this going. I know we don't have many of those in Cayman, so we might want to take a multifaceted approach.

We have the Credit Union. And I am not speaking for them because I don't know exactly what their thoughts are. But I know that for several years now the Credit Union has desired to deal with mortgages in a limited fashion, but they do not have the capital. If the Credit Union had depositors who might be willing to have their money there long term, the Credit Union could take care of a certain area when it comes to this type of lending, at a rate I am sure would be reasonable. I am not suggesting that is the answer, I am saying there are ways and means to look at this thing.

What we cannot do is allow it to come to the point where a certain sector of the society is turned against the commercial lending institutions because they are the culprits, when in truth and in fact the entire country becomes the culprit. You can't single out one area. It is not just "them" that cause the rates to be the way they are, it's just the way the economy has been fuelled. The truth of the matter is, the same way we talk about interest rates we can talk about the price of other things, the profits in other areas.

Not to take a stab at Cable & Wireless, but we see them juggling rates nowadays. No one can tell me that they have not been reaping a pile of money in this country. I am not saying that if I were them, and the situation allowed, that I would be any different. Here we have a government with a franchise with Cable & Wireless that when we looked in the last budget we were talking about an \$11 million income into recurrent revenue from Cable & Wireless. And the way our budget process is, if we were less \$11 million they would never have been able to have a balanced budget. So what does government say to Cable & Wireless? "Your rates are too high, but we need your \$11 million"?

We have not been looking at the big picture. Another example is immigration. We talk about work permits. Look in your budget. Is it \$17 million into recurrent revenue from work permits and other immigration fees?

How do you close down the immigration office and create a balanced budget?

I know it's not easy and I am not simply criticising. I am saying that we have to take a new approach to this whole affair. You simply cannot change all of that tomorrow, lose that level of income, and figure that you have another solution elsewhere: But we will all cry for Cable & Wireless to bring the rates down because it affects individuals.

Government finds itself in a situation where the orthodox methods of income have backed them into a corner. They are dependent upon those areas of income to provide the services the country demands, and then also to have balanced budgeting. But every time you look at what creates income for government, it brings a strain on society. It's difficult. I am saying that we should be looking at being innovative in our thinking.

The motion calls for the government to take the necessary steps. Those necessary steps may not be what the Minister of Education was talking about, picking up the phone and asking these people to arrange a meeting to bring the rates down. It's not going to be that simple. But we know what the motion wants to achieve, and government has accepted that.

I am saying that if we are going to accept the motion with a view to bringing about tangible results, then we have to look at the wider picture. Those results can be achieved. But we have a tendency where three or four years from now this motion, which was accepted by government, will be brought up, and we will have never heard another word about it. That is not an unfair statement because there are countless motions like that.

This is one where politically it would not be sensible for them not to accept. But, having accepted it is not the end of the story. So, I hope that in accepting the motion government is prepared to do what has to be done, or what should be done in regard to dealing with these banks.

The other point I wish to make is that the Minister of Education, in his pumping arguments about us not being able to provide solutions . . . how do I participate in a delegation to call all the bankers together to tell them we want to meet them on behalf of government? How do I do that? It's ludicrous. That is not the way the system works. Just because he wants the public to hear a certain message—and he's very good at that, Madam Speaker. He believes in saying something over and over and sooner or later they will believe it. He keeps talking about not providing solutions.

The truth of the matter is that our system only allows us to bring up the ideas. The First Elected Member for West Bay said that. We can only throw the ideas forward. That is why we have a government. That's why they are the Executive Council and not the backbench. If we on the backbench were on the Executive Council we would never put forward those arguments. I would want to be hung, drawn and quartered before I even uttered something like that. It's such a waste of time.

I hope we hear some positive results from this motion. I would like to believe that the lending institutions in

this country are amenable to sitting down and looking at ways and means to be able to bring about what we can achieve in this area. This is tied into housing. Government was happy to direct \$1 million from elsewhere in the budget to go towards low-cost housing. But I would like to hear how they plan to deal with that. Perhaps that \$1 million should be the beginning of something sensible; something that is long-lasting that can be achieved along those lines.

There are people out there in the private sector without any hidden agenda who have good ideas, who are quite prepared to lend those ideas to bring about sensible results because they live in this country and they want what obtains in this country to remain so that they can continue to live in harmony in this country. That's what we all want. So we need to be looking for solutions together. Thank you.

**The Deputy Speaker:** Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause) If not, does the mover wish to exercise his right of reply? The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you.

Let me thank all members who made a contribution on this very important motion. I was deeply encouraged by the level of support that the motion received. This is a very important issue, one that we deal with on a daily basis in this country. It is an issue that is very dear to the hearts of many of our people, that is, the desire to own a home.

I did some quick calculations on the effect of decreased interest rates for mortgages. The reason why this is significant is because the banks have a percentage they look for as a benchmark for approvals. Let's say you make \$3000 per month, and their benchmark is that your mortgage payment should not exceed 35% of your income. The lower the interest rate, and the longer the repayment term, the less of a percentage of your income that repayment becomes. Where a lot of people fall short is because that percentage exceeds what the banks regard as prudent for lending purposes and they are refused.

To give you an example, if you take the present rate, which is probably 13.5% on \$120,000 over 15 years, on a combined income of young Caymanians of \$3,000 per month, over 15 years that repayment on \$120,000 is \$1448.85 per month. That represents 48% of that couple's income. If that same \$120,000 was borrowed at 9.5% over 25 years, the monthly repayment would be \$1,048.44 per month, which represents 35% of that couple's income.

You can see the difference the reduced interest rate plus the extended term can have, with a greater number of persons qualifying.

If they borrow \$120,000 over 25 years, at 9.5%, that monthly repayment is \$873.70. That represents 29% of the couple's income. When compared to what people are paying today for a one-bedroom or two-bedroom apartment, it becomes very reasonable indeed.



I believe the banks would be receptive to sitting down for dialogue on this very important issue. What is important for the banks and government to recognise is that it is absolutely important for us to maintain the social harmony we enjoy in this country. We cannot have a mercenary attitude, meaning that we only come here to reap whatever we can without being willing to make some contributions back to society. That will not work. Pretty soon, that attitude will catch up with us.

I trust that this will not be one of those motions where government accepts it just for political or other reasons, and then we don't hear anything about it for another three or four years. I think that this is something that is very possible. I believe the sooner the initiation is made in regard to establishing some type of team for the purpose of sitting down with the banks, the better it will be for all parties involved. But, as the First Elected Member for George Town said, it must tie in with government's overall plan for the future of this country.

I heard a horror story over the weekend where a young couple had qualified for a mortgage. The young lady was so excited about the possibility that she and her husband could own their home. Because of a subsequent increase of interest rates, the mortgage was later denied. That type of thing should not be happening to Caymanians who are responsible, ambitious and who want the opportunity to own a home.

One thing that alarms me is the change in the attitude of our people. Caymanians have always been known as independent, proud, responsible people who are not prepared to live off of a handout from government or anybody else. We have sacrificed a lot to have what we do have. That tendency is changing in our society in that more Caymanians now sit down and rely on government for a home or other necessities.

Now, some people can't do otherwise. I think that is where government services come in. But for young Caymanians who have the ambition, the responsibility, and the desire to carry their own weight, every effort should be made to assist them.

I trust that government will move as quickly on this motion as it did on the e-commerce motion where within a couple of weeks there was a committee established, meetings held, and apparently that issue is moving ahead quite nicely. I thank government for that initiative. This is a very important issue, and I look forward to seeing what government will do in regard to making what is called for in this motion a reality to a larger number of our Caymanian people.

**The Deputy Speaker:** That concludes the debate on Private Member's Motion No. 1/00, entitled Reduced Cost of Mortgage Financing for Caymanian Owner-Occupied Homes. The question is **"BE IT THEREFORE RESOLVED that Government takes the necessary steps to meet with the commercial banks that offer mortgage financing with a view of negotiating preferred interest rates especially for Caymanian owner occupied homes."** I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: PRIVATE MEMBER'S MOTION NO. 1/00 PASSED.**

**The Deputy Speaker:** The next item of business is Private Member's Motion No. 2/00 Public access to North Sound and Seven Mile Beach, to be moved by the Third Elected Member for West Bay.

I call to your attention that the seconder of this motion is the Fourth Elected Member for George Town and I note that he is absent from the Chamber. Do you have someone else?

**Mr. John D. Jefferson, Jr.:** Yes, Madam Speaker. I have spoken to the First Elected Member for West Bay.

**The Deputy Speaker:** Okay.

## **PRIVATE MEMBER'S MOTION NO. 2/00**

### **PUBLIC ACCESS TO NORTH SOUND AND SEVEN MILE BEACH**

**Mr. John D. Jefferson, Jr.:** I am pleased to move Private Member's Motion No. 2/00, Public Access to the North Sound and Seven Mile Beach, which reads:

**"WHEREAS for many years Caymanians and the general public have enjoyed uninterrupted access to Seven Mile Beach and the North Sound;**

**"AND WHEREAS many of our fishermen, watersports operators and boat owners in general who operate in or from the north sound have depended on access to Salt Creek and other areas of the Island for docking for their boats and the loading and off loading of their passengers;**

**"AND WHEREAS many Caymanians, in particular West Bayers, depend on access to the North Sound for their livelihood;**

**"AND WHEREAS for many years the general public has had access to Seven Mile Beach between London House and the Public Beach through roads established over the years;**

**"AND WHEREAS access to the North Sound and Seven Mile Beach are now threatened by development and property owners who now want to deny the continued use of these roads;**

**"BE IT THEREFORE RESOLVED THAT Government now consider taking the appropriate action, by whatever means deemed necessary, to ensure that Caymanian boat owners and other members of the general public continue to have access to the North Sound and Seven Mile Beach area through established access roads that have been used for this purpose for so many years."**

**The Deputy Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** I beg to second the motion.

**The Deputy Speaker:** Private Member's Motion No. 2/00 has been duly moved and seconded. Does the mover wish to speak to it?

**Mr. John D. Jefferson, Jr.:** Thank you.

Madam Speaker, you couldn't sell beach property for many years in this country because no one wanted to live near the beach. For many years the general public in this country had un-denied access to the beach and to the waterways of this country. The people depended on this access for their livelihood.

One of the main reasons this motion being moved is because of a situation that arose late last year. I was in my office in West Bay and was approached by a number of West Bay boat owners who provided me with a copy of a letter they had received stating that as of 31 December 1999 they would no longer have access to the docking facilities they have used for so many years in the Salt Creek area because the access road was going to be closed.

In West Bay we have a lot of boat owners. In the Morgan's Harbour area, docking is very limited indeed. I recall previously that some of the boat owners used to utilise the docking facilities in the Governor's Sound area only to be run from that area by the same private land-owners. One might ask why not go to the Cayman Islands Yacht Club area where docking is available, and where you can pay a fee. Because business is so poor and so inconsistent, a lot of our boat owners really cannot afford the high fees charged for docking in these privately owned marinas.

Two experienced watersports operators from West Bay told me that they enjoyed uninterrupted access to this area since the days that Turtle Farm was in that area. That is, the Salt Creek area. I believe that the Turtle Farm was in that area up until the late 1960s and then moved to the present location in Northwest Point. Let's say they have been using this area since 1968.

For a private landowner to approach these boat owners and tell them they no longer have access to docking facilities because they are going to close the road is not very nice. I think it is unreasonable. I believe that if they develop that particular area, a better approach would have been to provide an access so as not to deprive them of their livelihood. But I understand that, subsequent to this motion being filed, some concessions were arrived at, or are being worked on. Some agreements are being put in place in regard to addressing this very important issue.

The First Elected Member for West Bay will expound on efforts and accomplishments that have taken place in that area.

The other area this motion deals with is the private roads that presently exist between Lacovia and the public beach area. There are probably four or five roads that

the public has enjoyed for many years. I noticed that recently a part of that beach has been cleared. There is some notice in regard to the construction of exclusive condo units on that piece of property. I don't have a problem with development, but I believe that through the Planning Department the public access should be at least equal to what they are being deprived of through the development. They were able to drive their vehicles all the way to the edge of the beach on that particular road. I believe that the public access road should have the same width and capacity.

Another thing that was pointed out to me was that in the Seven Mile Beach area every new development has had to provide a public access road to the beach. But they are just little footpaths in most cases. If someone was swimming in one of these areas and became ill, it would be impossible for them to get an ambulance close enough to the water to pick that person up. I think this is a serious consideration.

It was also pointed out to me that a lot of private boat owners use these roads to launch their boats. If you were to allow the roads that were there to be replaced with pedestrian access to the beach, then the private boat owner will be deprived of access to the beach.

I have never been to the Bahamas, but I understand that when you walk on the beach you can run into fences. People have private property that includes the beach and the fence runs straight to the beach. But we have always been very careful not to allow that to happen here in that it is my understanding that the Crown owns the beach, at least up to the high water mark. Even that was tampered with by a previous government and has caused some very serious problems.

The Seven Mile Beach area has become very expensive. Land for sale is very limited. You probably pay \$25 or \$30 a foot for any land available. The owners want to own and control all the way to the water. That is causing some difficulties for people who have had the pleasure of uninterrupted access to our beaches.

So I am asking government that as a condition of any development along this area that public access, private roads that are there now, should be of the same size and calibre to allow an ambulance and also to allow the launching of a boat from the Seven Mile Beach area.

The advice of one of my legal advisors (and it didn't cost me anything either) was to look at the Prescription Law (1997 Revision). I believe that government can use this for the preventing of continued access to these roads by the general public. Under section 2 it says, "**When (a) any profit or benefit; (b) any way or easement; (c) any water course; or (d) the use of any water, a claim to which may be lawfully made at the common law, by custom, prescription or grant, has been actually enjoyed or derived upon, over or from any land or water of Her Majesty the Queen, any person or any body corporate by any person claiming right thereto, without interruption for twenty years, the right thereto shall, subject to the provisos hereinafter contained be deemed absolute and indefeasible, unless it appears that the same was enjoyed by**

**some consent or agreement expressly made or given for that purpose by deed or writing.”**

In all cases the roads I am dealing with along Seven Mile Beach, that is the road to the Salt Creek area, as well as the roads along Seven Mile Beach between Lascovia and the public beach, were there in excess of twenty years. The reason I didn't restrict the motion to just this particular area is because I am aware that difficulties have been experienced by boat owners in other district, like North Side for example and even in Bodden Town. I wanted to make it wide enough so that government could look at all areas in regard to this issue of public access to the beach, or waterways.

I referred to a letter we received from the boat owners. Let me just read that. It's dated 20<sup>th</sup> December 1999. It says **“Attention Owner Yacht/Motor Vessel.”**

**“A final request is hereby given to remove your yacht or motor vessel from Salt Creek Marina or canal area, West Bay north, block 10E, parcel 29, no later than December 31, 1999, as the area will be closed after this time to public access.**

**“The entrance road to the Salt Creek area will be closing 31<sup>st</sup> December by the installation of new gates that will be locked. This will prevent any public access to the Salt Creek area. Should you have any questions, please call the number at the top of this notice. [signed] The Managers, Salt Creek Ventures, Ltd.”**

Can you imagine being a boat owner who has used this area over all these years, and all of a sudden on the 20<sup>th</sup> December you get a notice stating that in ten days they are going to stop you from using this area for the purpose of North Sound trips or anything else? It created a huge concern among our Caymanian boat owners.

**The Deputy Speaker:** Honourable member, is this a convenient time to take the luncheon break?

Proceedings will be suspended until 2.15.

#### PROCEEDINGS SUSPENDED AT 12.44 PM

#### PROCEEDINGS RESUMED AT 2.36 PM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 2/00. The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you.

Allow me to read another paragraph of the Prescription Law, section 4(1), **“When any beach has been used by the public or any class of the public for fishing, for purposes incidental to fishing or for bathing or recreation, and any road, track or pathway passing over any land adjoining or adjacent to such beach has been used by the public or any class of the public as a means of access to such beach, without interruption for twenty years, the public shall, subject to the provisos hereinafter contained have the absolute and indefeasible right to use such**

**beach, land, road, track or pathway, unless it appears that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.”**

As I pointed out before, the roads in question have been there in excess of the required 20 years. The public has had uninterrupted access to the beach over that period of time. Caymanians are beginning to feel like the Indians of the United States. They are being pushed. You will recall that the Europeans came over and gradually pushed, and pushed the Indian people until today they are only allowed to settle on reservations that are not the most fertile pieces of property out in the middle of nowhere, so that they would not become a bother or a nuisance.

Caymanians are beginning to feel the same way. We are being pushed. Pretty soon, if we don't address what is happening we might find ourselves in the sea.

I believe that the requests in this motion are reasonable and fair. I believe that the landowners in these areas should be told that if they are going to close or replace the existing roads that our people have enjoyed for so long then they must replace them with public access to the beach of a similar size that would not only allow a person to walk to the beach, but if necessary a vehicle could access the beach in case of emergencies or in a case where a Caymanian or resident may have the need to launch a boat via a trailer.

Like the last motion we dealt with emphasised, it is important to maintain good social harmony in this country. I believe that all persons who live and work and own among us have to work together to see to it that our people continue to be treated fairly and that unnecessary pressure or inconveniences are not created that would pose a hardship to our people. So many of our boaters dock their boats in the North Sound Salt Creek area and they normally require access on a daily basis for snorkelling or deep sea fishing in an effort to earn an honest and a decent living in this country.

I recommend that government support this very important issue. To some of us it might not be important because we don't depend on operating a boat for our daily livelihood. But those persons who are engaged in that activity consider this a very important and urgent issue that has to be addressed. Thank you for your indulgence, and I look forward to hearing what government has to say on this motion.

**The Deputy Speaker:** Does any other member wish to speak? The Fourth Elected Member for West Bay.

**Mr. D. Dalmain Ebanks:** Thank you.

I rise to give this motion my support. Access to any waterfront is always needed. Caymanians enjoyed the access to the water for umpteen years, not just twenty—because I am over twenty, and I know when I used to use it!

I hope this matter can be straightened out and that the people will realise that Caymanians have to live and enjoy their lives in this island because we are Caymani-

ans and we belong here. That water out there is for the public and we have to get to it.

I feel that once the owners of this property are approached in the right manner, they will see it with us. And I hope they do.

**The Deputy Speaker:** Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause)

The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Thank you.

I stand to make a brief contribution to the motion presently before the House, a motion that speaks to public access to the North Sound and Seven Mile Beach, Private Member's Motion No. 2/00.

I remember as a young boy growing up in the Cayman Islands walking what we called then the iron shore, as well as walking along the surf on the beach and the access to just about everything on the seaside of this island. Government realises the significance of Caymanians and other residents having access to the beach or the shore in whatever district.

We know that the Planning Regulations require that developers leave a specific number of feet along the shore, and we have to ensure that those public accesses are free, clear and available for our local people. We have spent significant amounts of money in recent years to ensure that there are public beaches in the various districts. The public beach along Seven Mile Beach has been there for many, many years. There are public beaches in North Side, Colliers, Savannah, and West Bay in order to assure that access to the beach is available for our people.

In addition to that sort of justifiable expenditure, we know that some areas are not all what they are mocked up to be. I believe that as a government we need to ensure that access to the south side, or the north side, or to the North Sound is available to our people. When we say North Sound, we think of a number of our residents. And a number of them are from West Bay, providing watersports service to visitors and locals alike. We have to ensure that they have access to their boats, and that their boats are moored in a safe place.

We know the position of Morgan's Harbour and the availability of a government jetty in that area. We also know that at SafeHaven many people utilise the public docking area. We know too that many of our people utilise the Salt Creek area and that there is a specific development slated to be started in the not-too-distant future which is going to impact on those utilising that area. We, as a government are looking into their needs.

We have actually looked at the Salt Creek area. Government does own land in that area. We also see a road leading to that area. We have actually costed the road that would lead to that area. We hope that members would be supportive when we come to Finance Committee to find the funds to build the road that leads to government's property where our local people can establish

a jetty. I know that many of them are committed to constructing a jetty for their boats from within their own means, and I think that is a laudable and commendable gesture on their part. In other words, they wish to work with government to establish their needs in that area.

We know there are many people who do significant fishing who need to be certain about their future. I certainly believe that the government is committed to doing whatever is necessary to ensure that they are able to maintain their livelihood. We also know that many people provide snorkelling services in the North Sound and other areas. We need to look specifically at their needs to see how government is able to help. And we commit ourselves to that process.

Government is willing to support this motion as I have described. We are already working on access to Salt Creek and believe that we all have a responsibility to ensure that the public access to the North Sound and the Seven Mile Beach is free and clear for our people.

**The Deputy Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I rise to offer my support to this motion and to say that it gives me a sense of déjà vu and places the government in a somewhat awkward position. Having accepted Private Member's Motion No. 9/96, entitled "Beach Access and use by the Public" government gave an undertaking and has seemingly been caught up by a lack of will, or intransigence, and has done nothing to effect the acceptance of that motion. In this light, I have to commend the present mover and seconder for being so tenacious as to bring the matter back to the government.

I don't want to be adversarial, but it is difficult not to remark. One has to question the government's sincerity since they had a very similar motion in 1996 and they sat on their haunches. All these years have passed, and they have done nothing to address the problem, only to have the matter come back now. Therefore, one has to wonder how much merit can be placed on the acceptance the second time around, since they saw fit to do nothing the first time. Anyway, it seems only fair that they be given a chance.

That we should address this matter is of the greatest importance. This business of access to the beach . . . and I am not restricting it to the North Sound. Access to beaches throughout this island is one area that has the potential of being problematic, causing a lot of unnecessary strife. There seems to be a basic misunderstanding between property owners as to their rights and obligations in terms of acknowledging covenants, practices, and traditions that have been longstanding in our country.

I listened to the mover and he said that many years ago beach land had no value to the Caymanians, except to use as a launching point for fishing expeditions or only when we saw fit to go to the beach for whatever reasons, recreational or otherwise. Since the development of these islands in the 1970s, beach land and access to the

sea has taken on added and greater significance. We have also moved from a situation where many Caymanians who held land, and held these access have, through sale, leases or other transactions, not availed themselves of these access and of this property ownership.

We are placed in a position where we have to negotiate. And it is true that previous governments made some steps by delineating some access to the beach. But these are not vehicular and are purely footpaths. Even sometimes trying to access the beach through these areas gives some problems and rise to contention.

I think it is important and necessary to arrive at some understanding and accommodation between the persons who own property whereby Caymanians seek access through to the sea and the Caymanians who use the property. It has never been a question that Caymanians wish to repossess the land. We are not of that mentality and we full well understand commercial transactions of this nature. But it is understandable that we be concerned when access is denied.

I am reminded that about three months ago one of my constituents who has a charter boat business and keeps his boat moored in the South Sound area, came to me on two occasions very perturbed. I won't identify the property. Nevertheless, what I am going to report disturbed me greatly.

My constituent told me that he was concerned because to access his boat he had to pass through a property where access to the beach was denied. When he spoke to some of the principals they told him that they wanted to "keep niggers out." I mentioned this to my frequent passenger, the First Elected Member for George Town, and suggested we take a ride. It is always wise to have at least one witness.

The First Elected Member for George Town said he was aware of the problem because he saw some activity that would suggest that was the case. My constituent told me that the area was being patrolled by a rather vicious looking German Shepherd dog. Well, I drove across the area and was struck by the paradox because the same people who were trying to keep "niggers" out had a black security guard!

[Members' laughter]

**Mr. Roy Boddén:** Nevertheless these are some of the attitudes we often come up against. Some of our people are intimidated by these things. But even more than the intimidation, it carries the potential for confrontations. I think we should discourage that.

I want to reassure property owners that when their rights are trespassed, or there is abuse, I am sure that there are law enforcement agencies that would be happy to entertain their complaints. But the obverse is also true: they should not use as a pretext the protection of their property to deny law abiding citizens the right to traverse through the property to access the beach or their boats that are moored there.

In other jurisdictions, these attitudes breed contempt for one element of the population against the other. We

have long prided ourselves in the Cayman Islands with congenial neighbourly living. I hope it does not come to the stage where we have to enforce all of these traditions which in years past we took for granted.

I believe that one of our problems is that our notion of private property was a lot different than that of North Americans and Europeans. Historically they guarded their property very sacredly. We have no such history in this country and I hope that that is the understanding that can be afforded us by persons who come in and buy our property. I hope that they can accommodate our traditions and ways of life and allow us to traverse and get access to the beach and the North Sound as and when we desire, provided that we respect their property and don't do anything to deface, vandalise or disregard in any way.

I would say to government that this is the second time that we have had to resort to asking them to do something about it. I find it rather ironic that both times was an election year. Maybe the government was preoccupied with getting re-elected in 1996. So I will forgive them for not doing anything about the motion they accepted at that time. This being an election year, I would think the same preoccupation exists. It will be difficult for government to expect the same excuse to carry twice. I am saying that this time the matter carries greater urgency and it is incumbent upon them to accede to the request and try to do something about the matter before a lawsuit, or worse.

It is difficult enough to have sold the land, but it is far worse to know that the persons to whom it has been sold are so uncharitable as to deny access to people who may need access purely for commercial reasons. I would say that it is our responsibility when faced with these kinds of circumstances to be as understanding as we possibly can. While we have an obligation to the people we represent, we also have an obligation to the landowners. This matter is one of the easiest matters to resolve if government is so minded.

As with the motion in 1996, I will leave it to their conscience to determine how much interest should be placed on this matter, with the caveat that it nothing is done between now and election it certainly will be a campaign issue.

**The Deputy Speaker:** Does any other member wish to speak? (Pause)

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I seconded the motion in the absence of the Fourth Elected Member for George Town.

Public access must always exist for people to use the sea whether it's the beach for boating, or just fishing. I think one member mentioned that this matter arose in 1996. A motion was accepted. I can say that I heard of it in 1988, and I think I heard of it in 1992, and similar in election years before that. But this one I can say arose out of concern by some boat operators in the North Sound.

I can say that Capt. Eugene Ebanks and I were made aware that a group of watersports operators had received a letter from the owners of a portion of Salt Creek. They also own the property that the pathway leading to Salt Creek runs across. I think about 13 of them use that area.

Capt. Eugene, Mr. Cline Glidden, Jr. (CG), Mr. Rolstan Anglin, and I met with most of the group to hear their situation. Then we organised a meeting with the owners of the property. We talked through the situation with the owners. And the Caymanian Land and Sea Co-operative, which is formed for taxis and watersports operators, got an agreement through that entity for use of the area by the local watersport operators for another year. That was in January before the motion came to the House.

That agreement is for one year, and then on a monthly basis until such time that a proper area can be made for them on the property that government owns. In our discussion with the owners, I said that I didn't know whether government would be able to do much with the property it owns, but hopefully in the span of one year something could be done. And I heard the Minister of Tourism say that an access road is going to be built. That would help

Salt Creek presently has three owners. Government owns some 40 plus acres, plus two private owners. Government would need to negotiate an agreement, or purchase a right-of-way across the other two properties owned by private owners because government's property, while on the sea, is land locked. Some of the boat owners are willing to build their own jetty on government's property if they are able to get to government's property. Well, if government can build the road, that would bode well. We have negotiated an agreement for one year, so government should be able to negotiate something with the private landowners.

I believe that aspect is going to be looked at. We have some conditions to the agreement. The boat operators had to put a garbage bin on the property so they could put their garbage in after using the area. And there are some derelict boats that have to be removed from the water. Those are two of the conditions. I know that the garbage bin has been put there. And they are well underway to complying with the agreement.

I think that the 99.99% of that group using Salt Creek are satisfied with this arrangement, with the understanding that we get government to build the road. Well, we can see what happened. At least one or two that wanted to get things moving faster contacted the mover and I would suspect after hearing the minister's comments, that they contacted him as well.

That's all good and well for the use of Salt Creek. What needs to be done is that government needs to get the right-of-way across the two private properties and organise government's property in a way that the boat owners can utilise it.

In regard to Seven Mile Beach (and I would suspect other areas), what government should do, and it is probably late in the game to be doing so, but other coun-

tries have started on a similar suggestion. Government should move to purchase the smaller pieces of property on Seven Mile Beach which is left vacant, and seems not able to be built on. I think this is something they could look for throughout the country. I am not saying that government should take anybody's property. They could identify the property, make arrangements to purchase over a period of years.

As we go around the waterfront, there are several small pieces that are not hooked in to pieces across the road that is privately owned. Public access and public beach space would not be limited. People sold their property over the years. Therefore, new owners have various views as to what should be done, or can't be done on their property. We have grown up in this country to believe that we always had use of the iron shore for fishing or pulling up a boat, or the beach for bathing. I would hope that this would not be questioned now. But I don't think we can wait any longer without government purchasing more and more of these small pieces of property on the beach.

In some countries on the main road along the beach there is nothing built; everything is built on the opposite side of the road and the view of the sea is left open and the beach is left there for everybody to use. Our development took off differently and private landowners do as they pleased within guidelines I guess.

I don't think there is any more that I can add to this motion, but I think I needed to set the record straight on Salt Creek and exactly what the situation is.

**The Deputy Speaker:** Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause) If not, would the mover like to exercise his right of reply? The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Let me thank the government for accepting the motion. I am very pleased to hear that action has been taken in an effort to address this very important issue of access to Salt Creek.

One of the suggestions made to me by one of my constituents was in order to ease the demand for docking facilities, especially in the North Sound area, that maybe government should look at the possibility of extending the present government dock in the Morgan's Harbour area another 100 feet or so, which would allow more boats to dock in that area. That would allow some additional space on both sides of the dock.

There was a channel dredged there. It means that if the jetty was extended, maybe larger boats used in the North Sound could moor in that particular area. As it extends out the water becomes deeper.

I believe that we need to look at the possibility of reinstating the high water mark along the access to the beach. I recall that the high water mark, before a previous government interfered with it, was defined as that point where vegetation actually met the sand. That prevented anyone from saying that people could not walk through their property to get to the beach because the Crown owned up to the point where the beach met the

vegetation. In most cases that was way up and it prevented people from telling others that they could not pass through that property on their way to the beach.

The definition now, as I understand it, has the high water mark as high up as the water will extend, maybe during high tide. In this country, we don't have huge tides like in some countries. I recall in Costa Rica the shift can be as much as 12 feet between high and low tides. So the present definition of the high water mark only extend three or four feet beyond the water. For public access to the beach to be limited to that specific narrow piece, I don't think is fair.

I also believe that the long-term solution to the Salt Creek area is for government to build an access road as has been proposed and to maybe assist the boat owners to construct a jetty that runs north/south for 300 feet or so providing adequate docking space.

I believe that as representatives of the people we have to be conscious of the people's needs. When our people come to us with problems we should pool our efforts and come up with a solution. Our future success hinges on maintaining social harmony in this country.

One of the advantages we have in this country is that persons from all levels of society have been able to earn a decent living. We don't have a whole lot of have's and have not's, even though that situation is getting a bit critical at present. If we allow the situation we are addressing here today to continue, then this could go into even exaggerating that position further.

Many Caymanians, especially from my district, have saved a little money and have nice boats. And because of their knowledge of the North Sound they are able to use that boat to make a living. Because Caymanians are so hospitable anyway, they can sell their personality and experience. Most people enjoy their experience with the gentlemen offering those excursions to the North Sound.

We have to be very careful that we don't allow a few to control the whole. Especially in the watersports area this is becoming a problem. Our people are having a much more difficult time making an honest living. There are huge companies that go to the cruise ships for pre-bookings for a commission. Because of that, the cruise ships recommend those operators.

To give you an example, if a cruise ship passenger came ashore and booked a tour themselves, they would probably get that tour for \$12 to \$15 through an independent taxi operator. From the ship that same tour is sold for \$35. The local operator gets maybe \$10 and the cruise ship walks away with \$20 on each ticked. I learned that the cruise directors have a lot of influence. Before they go into a port they have a briefing session and tell them whom to look for if they want to go on tour. They are told not to trust the others, they have no insurance . . . . All they have to do is say it, and it's gospel as far as those passengers are concerned. They have tremendous influence on who gets the business in this country.

In the North Sound I hear many tales of the poor little Caymanian sitting at the dock, even at Salt Creek, waiting for his two persons—

**The Deputy Speaker:** Honourable Member, if I can interrupt you . . . can you return to the motion or tie in what you are saying with the motion please?

**Mr. John D. Jefferson, Jr.:** I will, Madam Speaker.

And you see a boat going out by Beach Club with 150 passengers. It becomes very discouraging. The point I am trying to make is that we have to at least ensure that the playingfield remains level in order to allow our people to continue to earn a living in this area.

People come here, they buy land, and they don't care what it was being used for before they purchased it. They have no sensitivity to these matters.

**The Deputy Speaker:** Is this a convenient time to take the break?

**Mr. John D. Jefferson, Jr.:** I was about to wind up.

**The Deputy Speaker:** Okay, if you are just going to take a minute, we will let you wind up.

**Mr. John D. Jefferson, Jr.:** Let me thank my colleagues who spoke on behalf of the motion, I thank government for accepting it. I am very pleased to see that this matter is well in hand, according to government. And I look forward to a permanent solution to this very important issue.

**The Deputy Speaker:** The question on Private Member's Motion No. 2/00, entitled Public Access to the North Sound and Seven Mile Beach. **"BE IT THEREFORE RESOLVED THAT Government now consider taking the appropriate action, by whatever means deemed necessary, to ensure that Caymanian boat owners and other members of the general public continue to have access to the North Sound and Seven Mile Beach area through established access roads that have been used for this purpose for so many years."**

Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: PRIVATE MEMBER'S MOTION NO. 2/00 PASSED.**

**The Deputy Speaker:** Proceedings will be suspended for 15 minutes.

**PROCEEDINGS SUSPENDED AT 3.36 PM**

**PROCEEDINGS RESUMED AT 3.58 PM**

**The Deputy Speaker:** Please be seated. Proceedings are resumed. The Honourable Minister responsible for Education, Aviation, and Planning.

### SUSPENSION OF STANDING ORDER 14(3)

**Hon. Truman M. Bodden:** I would like to move the suspension of Standing Order 14, only to the extent of moving Motion 3/00 to the end of the Order Paper, after Motion 5/00.

**The Deputy Speaker:** The question is that Standing Order 14 (3) be suspended in order to move Private Member's Motion 3/00 to the end of the Order Paper, after Private Member's Motion 5/00. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 14 (3) SUSPENDED TO ENABLE PRIVATE MEMBER'S MOTION 3/00 TO BE MOVED THE END OF THE ORDER PAPER AFTER PRIVATE MEMBER'S MOTION 5/00.**

**The Deputy Speaker:** Private Member's Motion No. 4/00, Investigation into the Practice of Health Insurance Providers, to be moved by the First Elected Member for West Bay.

### PRIVATE MEMBER'S MOTION NO. 4/00

#### INVESTIGATION INTO THE PRACTICE OF HEALTH INSURANCE PROVIDERS

**Mr. W. McKeeva Bush:** I beg to move Private Member's Motion No. 22/00 (*sic*), standing in my name, which reads:

**"WHEREAS the Insurance Law came into force in January 1999 mandating everyone to be covered;**

**"AND WHEREAS there are numerous complaints emanating from members of the public regarding coverage and non-coverage and various other aspects of health insurance;**

**"AND WHEREAS there are complaints from persons, including young Caymanians being denied coverage;**

**"BE IT THEREFORE RESOLVED THAT Government urgently conduct an investigation into the practice of providers;**

**"AND BE IT FURTHER RESOLVED THAT such an investigation be completed within three months and tabled in this honourable Legislative Assembly along with the Government's strategy for addressing any weakness within the operations of the system."**

**The Deputy Speaker:** Honourable Member, you referred to this as motion 22, but the Order Paper refers to it as 4/00, can you make that amendment please?

**Mr. W. McKeeva Bush:** Well, yes, Madam Speaker, that's because it's been on the Order Paper for that long.

**The Deputy Speaker:** I just thought I'd bring that to your attention.

**Mr. Roy Bodden:** I rise to second the motion.

**The Deputy Speaker:** Thank you, Third Elected Member for Bodden Town.

Private Member's Motion No. 4/00 has been duly moved and seconded, would the mover care to speak to it?

**Mr. W. McKeeva Bush:** Thank you.

I don't intend to be long because we have quite a few motions to be dealt with. I am hoping that we can get out of here pretty quick.

The subject of insurance is one that has been debated quite extensively in this House, over the airwaves, and with the ordinary man in the street. It is very topical because it is costly. The cost at private clinics is not cheap, nor are the services at the hospital. It is being debated because people are being denied coverage. People who had insurance are being denied coverage when they reach a certain age. And to a poor person, all of these things are insurmountable.

This does not take into account when a person has to seek overseas medical assistance. Without insurance it means a commitment for years that was not planned for and for which they have to pay what they don't have, or put their house and land into hock with government. In today's world, insurance is needed. A law has been passed, and is in force, mandating that everyone has insurance. According to law, those who cannot buy insurance are supposed to be covered by government.

I have had complaints from persons (as have other members of this House) that they had insurance, but have been told that the insurance company is no longer covering them. This needs to be rectified.

One of the biggest problems is the non-acceptance of the insurance card given to a person who buys a policy from the insurance company. The purpose of the card is so that people should not have to put up money when they go for medical attention, whether to the hospital, the dentist, or private clinic. But this is not the case. There are far too many cases where various clinics, the dental clinic included, are not accepting these insurance cards.

There are other situations I have heard about where a company took the premium from the person. The person got sick and went to the hospital, generated a bill of some \$21,000 or more, and the insurance company still accepted the premium but refused to cover the person and tried to remove the person from the insurance policy. That was a group policy. It was not a pre-existing condition so they had no excuse there.

There are young Caymanians who have been denied coverage with certain companies. I must tell the truth. I believe the minister has been trying to get on top of this situation. He has talked to me on various occasions about it. I don't know how much of this has been cleared up, if any. I suspect that the minister will be able



to tell us exactly what has been done since the tabling of the motion.

But I believe that these situations need to be dealt with from the inspector's office. Because the country is so young in this matter it should not be left for the person to get a lawyer to go and deal with the insurance company. I feel this is more or less a government responsibility, seeing that government mandated that everyone should have insurance.

I know that the minister has been trying to deal with this matter and hopefully he will tell us what has been done.

I know that other members have ideas, and I am sure that all of us have had the same complaints. I would just like to draw to the minister's attention that those people that insurance companies will not cover because of some pre-existing condition, who have to apply to the medical social worker, . . . one of the conditions now attached to that is if that person has a credit card they can't get the coverage. I don't understand that seeing that the law determines that those with pre-existing conditions who can't get insurance government will assist. But if a person has a credit card, they can't get government assistance.

In one case I know of the person (who is very independent), and government has never had any cause to assist him. He had a heart condition, bypass surgery. They had to get a credit card to assist them at that point. It's simple; they could take the time to pay back the card. Of course, it came in very handy for these responsible people.

Having been turned down after trying to get insurance afterward, they applied to the government social worker. This is one of the conditions attached to that benefit government offers. I would hope that the minister could rectify that situation somehow.

I don't think this motion will have any problem in passing. Therefore, I will give other members an opportunity to put their case forward. Thank you.

**The Deputy Speaker:** Does any other member wish to speak? The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony Eden:** I rise to offer government's acceptance of Private Member's Motion No. 4/00. As the mover said, this motion was actually in the office of the Clerk from 1 June last year.

There have been a number of initiatives started on this, and I would just like to say that I have invited the Superintendent of Health Insurance from the Monetary Authority, and the Permanent Secretary from the Ministry of Health to hear the concerns as we try to go forward to address what honourable members' concerns are. I think that this is the best approach to solve the concerns not only of MLAs but also of the public.

This is a very recent piece of legislation and there are growing pains. The 1997 Health Insurance Law and Regulations came into force on the 1 January 1998 with a six-month deferral of penalties in order to provide time

for all persons and employers to affect their health insurance coverage. This motion states that numerous complaints have come from the public regarding coverage and non-coverage, young Caymanians being denied coverage and various other aspects relating to health insurance.

I feel obliged to tell members of this honourable House that prior to August last year the number of complaints actually received by the Ministry of Health and the Cayman Islands Monetary Authority had not been many at all—as a matter of fact, far from it. There was only one at that time last year that we could trace, which was a written complaint concerning the negotiations for a health insurance contract. That single written complaint was forwarded by the mover of this motion.

During August last year, my Ministry undertook to inform the public that the Superintendent of Health Insurance at the Monetary Authority was available to investigate any complaints and answer any inquiries the public may have. Since that time, he has been approached by over 200 people, which bears out the importance of this motion coming at this time. Most of those inquires were also complaints. Not surprisingly, most complaints from the public relate to health insurance claims rather than to persons unable to obtain coverage.

I believe that the publicity campaign was successful in letting the public know that help is available and that we are prepared to help. It may well be, however, that even after inviting the public to contact us there are still persons out there who believe they are not being treated fairly by the providers of health insurance, but who have not actually asked us for help. It would be a lot easier for everyone concerned if these persons would come forward and tell us their concerns.

I would also like to ask the honourable member moving the motion, and all other honourable members, that they tell me how many complaints they have received and also that you tell us the nature of these complaints and pass each one on to me to investigate. I must emphasise that complaints be channelled to the Monetary Authority, my staff, or myself. I will endeavour to see that they are dealt with in an appropriate and timely manner.

I believe that with this experience, the Superintendent of Health Insurance will be able to resolve the majority of these issues. It is a fact of life that some persons are genuinely uninsurable. For those persons the government has systems in place to assist them. In fact, these were in place long before the Health Insurance Law was passed. The law itself fully recognises this situation and makes legal provision for these uninsurable persons.

In his motion, the honourable member emphasised that there are young Caymanians who have been denied medical insurance coverage. Regrettably, I must assume this is true since some young Caymanians will also have pre-existing medical conditions which could result in their being uninsurable. However, no evidence has been brought to my attention that young Caymanians have been singled out for denial of coverage, or discriminated

against in any way whatsoever. I can only say, please let us know what the complaints are and we will investigate and do everything possible to effect a satisfactory solution.

Prior to the implementation of the Health Insurance Law, it was estimated that 10,000 people held health insurance coverage. Since implementation of the law, we have come a long way with this important piece of social legislation. The latest figures show that some 28,000 people outside the government service now have private health insurance. When this figure is taken together with the 10,500 or more people for whom government is responsible, then the total number of people with access to paid health benefits is upward of 38,500, or probably around 95% of the population. I believe we have made tremendous progress since the law was passed. We cannot deny that we have come a long way. But we will not rest on our laurels.

The motion resolves that government urgently conduct an investigation into the practices of providers regarding coverage and non-coverage, and further resolves that the investigation be completed within three months and tabled within this Legislative Assembly along with government's strategy for addressing any weaknesses in the operation of the system.

I recognise that to undertake an investigation of insurance providers as requested by the motion could involve the government in a long and bureaucratic process. After all, there are about 1600 companies employing people in the islands and this must mean that all those companies should each have a file in the offices of one of the insurance providers. In addition, there are all those people who have individual health insurance policies.

However, we can indeed undertake an investigation of the underwriting and acceptance criteria and guidelines of all the approved health insurance providers and possibly through a process of sampling individual acceptance and rejections report on the situation.

I am aware that those insurance providers operating agencies and branch offices in the islands may well retain their main records at their head office where the medical underwriting is carried out. So it might not be possible to achieve as broad an examination as the motion would wish. In addition, I would draw the attention of members to the highly important fact that medical information concerning any one person is extremely confidential. It is so confidential that most insurance companies will not release it to anyone but that person's medical advisor.

When the Health Insurance Law and Regulations were introduced, I made no secret of the fact that I believed we had made a good effort, but that I did not expect that we had it all right the first time around. With more experience under our belts, and a recent review of the working of the system, I am now pleased to announce that government has agreed to implement a series of measures to improve the workings of the Health Insurance Law.

I propose to amend the cover under the standard health insurance contract to extend to all the costs of

outpatient surgery and to provide automatic coverage to a child as soon as it is born and for the first 30 days of its life. In addition, I intend to provide a statutory period of six months for people to make their claims with their insurance companies, and to set a reasonable maximum period for insurance providers to pay those claims.

The law also needs to be clarified to ensure that health insurance is the primary instrument for providing reimbursement for medical expenses so that the situation is avoided under which insurance companies argue whether, for example, a motor insurance third party insurer pays medical expenses. This sort of situation, which has regrettably occurred, is not acceptable.

Further, I intend to provide that private medical practitioners should provide a list of their standard charges in certain areas, and that these standard charges will be available to patients, the general public, and the insurance companies.

Also, dialogue has been taking place with the doctors and health insurance providers. A few weeks ago the Superintendent of Health Insurance, the Permanent Secretary of the Ministry of Health, a legislative counsel and I attended a meeting held by the Chamber of Commerce where many of these concerns were also aired. Additionally, I intend to undertake further publicity and education of the public on their rights under the Health Insurance Law, and the working of the health insurance system. As I said, we have come a long way. There will always be a few glitches, but the ministry is committed to arriving at a solution that will benefit all of our people here in the Cayman Islands.

The mover mentioned the assessment by the social worker. We can look at this, but this is an assessment we are hoping will come out in draft regulations as to how it is carried out so that there will be no political involvement. That will be coming to this House in due course.

These are the measures I intend to take in addition to accepting this motion. As I said, this is a very timely motion, there has been much concern expressed recently, not only by this House but by the public. I appreciate both and commend the mover and seconder of the motion for their diligence and their desire that the public be well served in this regard. That too is my overriding goal. I believe that together we can work this out.

I would like to thank the House for the opportunity to put this forward. There is still more work to do, but we are prepared within the Ministry, and with the help of the Superintendent of Health Insurance at the Monetary Authority to address whatever concerns or problems may arise.

I feel this is one of the most important pieces of legislation to ever come to this House. I see it not as a burden, but as an investment in our people. God forbid that any one of us should get into a serious accident and have to go overseas, where there's trauma or serious burns. If we don't have some health insurance coverage in place it does not take long for overseas medical costs to practically bankrupt the person involved. I hope that none of our people arrive at that.

I feel that this piece of legislation has gone a long way and we are prepared to assist and work on this. In just over two short years, we have done a lot. But there is still time and we are prepared to do what is necessary. Thank you.

**The Deputy Speaker:** It is one minute before 4.30. I will entertain a motion for the adjournment of this honourable House.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

### **ADJOURNMENT**

**Hon. Anthony Eden:** Madam Speaker, I move the adjournment of this Honourable House until 10.00 AM Wednesday.

**The Deputy Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM Wednesday. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 22 MARCH 2000.**



**EDITED  
WEDNESDAY  
22 MARCH 2000  
10.15 AM**

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

*[Prayers read by the Third Elected Member for Bodden Town]*

**The Deputy Speaker:** Please be seated. Proceedings are resumed. There are no messages and announcements, so we will move to Other Business. I will ask for the suspension of Standing Order 14(2) to carry on Private Members' Motions.

The Honourable Minister for Education, Aviation and Planning.

**SUSPENSION OF STANDING ORDER 14(2)**

**Hon. Truman M. Bodden:** Madam Speaker, I move the suspension of Standing Order 14(2) to carry on the Private Members' Motions.

**The Deputy Speaker:** The question is that Standing Order 14(2) be suspended in order to carry on Private Members' business. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 14(2) SUSPENDED.**

**The Deputy Speaker:** Private Member's Motion No. 4/2000, Investigation into Practice of Health Insurance Providers, continuation of debate thereon.

Does any Member wish to speak? The Third Elected Member for the district of West Bay.

**PRIVATE MEMBERS' MOTIONS**

**PRIVATE MEMBER'S MOTION NO. 4/2000**

**INVESTIGATION INTO PRACTICE OF HEALTH  
INSURANCE PROVIDERS**

*(Continuation of debate thereon)*

**Mr. John D. Jefferson, Jr.:** Thank you Madam Speaker. I rise to offer my support of Private Member's Motion No. 4/2000 dealing with health insurance coverage.

Madam Speaker, I think it is probably about two years now since we implemented the National Health Insurance Law that requires that all persons in the Cayman Islands must be covered through health insurance. I believe that was a very necessary move for us as a

country and as a government in that the issue of medical expenses and services is a very important one but a very expensive one indeed. The government, not only this government but previous governments, has done a lot to assist our people by way of providing free medical, by way of having in place a contract with a major facility in the US where if the issue cannot be handled here then we at least have an option to send that person abroad. It has worked well.

The problem we are faced with is that large bills have been incurred normally by people who can least afford to pay those bills. That is why health insurance coverage is so important at this time in the Cayman Islands. I believe that the general public welcomes that legislation and has moved forward with regard to not only individuals but employers as well as to put the programme in place.

I also believe that much has been done to arrive at a premium that most people find reasonable, that is, the basic coverage. A large percentage of the people opted for coverage that exceeds the basic requirements of the law. People have been faithful in making their premium payments, Madam Speaker, and they expect the programme to work.

Now, I recall probably about 15 or 20 years ago when my brother-in-law had a very serious accidents with some horses. He damaged his back and we had to fly him out to Miami for medical attention. He didn't have insurance coverage and the hospital would not even look at him until we had, at least \$5,000 - \$10,000 deposit in place. So, people expect the programme to work when they need it.

I also made it a point to make sure that I had coverage from a private company. Madam Speaker, if I go to the doctor I expect to present my card and I expect to get a service that I feel I am entitled to under that programme.

We cannot say that we have an insurance programme in place where [facilities] refuse to accept the card up-front for payment. Madam Speaker the majority of our people who have the health insurance coverage find it very difficult to make the monthly \$50 payment towards the premium or whatever the required premium is. The average individual is not in a position financially to go to a private doctor or even to the hospital and have to pay up-front \$200 - \$300 just for a visit or if it is a much more serious situation, \$2,000 - \$3,000 and then hope or wait until they are reimbursed by the insurance company. To me that is not an acceptable practice or programme.

I can appreciate, Madam Speaker, that the service providers want to get paid immediately as they render a service. I really don't have a problem with that. This is

where the system has to work because the service providers should not have to sit down and wait four to six weeks for a payment to be made. It should be almost automatic. The system should basically work along the same lines as a credit card. A lot of people don't carry cash these days, they carry credit cards and they use it for payments of all sorts. All the service providers really have to do is to present that slip to their banks and within a day or two days they have credit for those funds. I am not sure we can be that efficient, Madam Speaker, but we have to be in a position where we guarantee payment in a timely fashion as far as the service providers are concerned.

I have had to use my card on a number of occasions. I recall at one establishment they did accept the card up-front and they billed the insurance company. But in most instances I had to write a cheque or come up with cash and then hoped that the insurance company was going to reimburse me within a month to six weeks for the money that I spent.

The other day I think this situation reached a climax. I did report it to the Honourable Minister and I think it was the next day or so there was a press release from his office addressing the issue. Like I said, if there are companies here offering the coverage that, first of all, are not making the payments on a timely basis or where the service providers refuse to accept the card, then arrangements must be made to allow other companies who may wish to offer the service to the general public.

I know it is a new venture and it is an issue that we are dealing with right now as far as the Public Accounts Committee is concerned. I think, with the effect from 1<sup>st</sup> March, you have another 10,000 persons that basically represents the civil servants and their dependants. This is going to be another challenge for establishments like the hospitals and other medical service providers.

Madam Speaker, these particular establishments have to ensure that they do have the facilities in place, that is, computer programmes that will accommodate and will assist with an efficient and prompt handling of these claims for payments or otherwise.

Madam Speaker, I have had a number of my constituents come to me with the same complaint that when they went to the doctor and presented their cards they were not accepted up-front and they had to take \$200 - \$300 out of their own pockets. Madam Speaker, it would be bad enough if (like I said) all persons could afford that, but the reality is a lot of people who require medical services do not have the ability to pay \$200 to \$500 up-front.

It is important that this issue is addressed promptly and effectively. What you don't want is the general public losing confidence in the programme. By that I mean, the general public will start saying, *'This doesn't work so why should I pay a premium for health insurance coverage'* which puts us back to where we were. If that particular individual has a problem medically then government is going to have to step in and insist or ensure that they get the medical attention that they desire or require in a lot of cases at a tremendous expense to Government. The

Government has a lot of outstanding medical bills at the present time that there is very little hope of ever recovering.

Madam Speaker, I do have faith and confidence in the Minister for Health and his support staff. I must say that whenever an issue or challenge is brought to his attention he does his best to deal with it. I am quite sure that he and his staff will deal with this issue, but I believe that a very strong message has to be sent not only to the insurance providers but to the service providers insisting that they accept these insurance cards up-front for payment and they are reimbursed in a timely fashion.

Madam Speaker, I do give this motion my support and I look forward to this very important issue being addressed by the Minister and his team. Thank you.

**The Deputy Speaker:** Does any other Member wish to speak?

The Third Elected Member for the district of Bodden Town.

**Mr. Roy Bodden:** Madam Speaker, the First Elected Member from West Bay and I brought this motion to the Honourable House because we had been approached individually, and in a few instances collectively, by members of the community expressing concern and sometimes bewilderment at the inability to understand the role and function of health insurance. Bewilderment and concern arising mostly from an inability to grasp and understand why coverage in some instances was denied and also with the process of payment.

Now, Madam Speaker, I have to be fair and candid in recognising the efforts of the Minister and his ministry staff in implementing what has to be a significant challenge. I must say that the few occasions in which I brought concerns to the Minister regarding complaints I had received from my constituents or from members of the wider community, the Minister reassured me and dealt with my concerns responsibly. I have reason to believe that those efforts and attitudes continue to this day.

What the motion is not doing is seeking to lay any blame or cast any aspersions upon the Minister or his staff while at the same time recognising that there are certain challenges that still need to be dealt with satisfactorily. I want to say that I don't want to personalise any comment or cast any aspersions having respect for the providers but there are some contradictions and paradoxes which arise out of the way some of the insurance companies operate. But I should say at the beginning, the insurance company I use (and have been using for years, even years before it became mandatory to have health insurance) . . . I have no cause for complaints. I get treated excellently even having young children and having to make frequent claims because both of my children were asthmatic. I have absolutely no problem with the support I get from the company, which carries the health insurance for my family.

Other members with whom I have spoken who share that same company expresses the same sentiments. Be that as it may, I do know that some people

have serious problems with some of the companies that they are insured with.

I listened carefully to the Third Elected Member for West Bay when he expressed some concerns and some sentiments. I have to say that I must agree with him because Madam Speaker when I lived in Canada, being a subscriber to the Ontario Health Insurance Plan I had a health insurance card. That card was presented to my doctor for payment. That was used as a debit card. No monetary transaction passed between my doctor and I. When I went to my doctor to make the claim, I presented my card which was much like a credit card (or what I prefer to call a debit card). It had my name and an identification number which my doctor entered with the transaction.

I, therefore, cannot understand and this is especially onerous on poor people who have to pay the premiums at the end of the month and then upon visitations to the doctor have also to produce cash payment for medical attention received. Madam Speaker, in those cases, it is a paradox and it is a contradiction for you paying your monthly membership fees and then you also have to pay the doctor. Once could quite sensibly ask: what is the purpose then of having health insurance? Many people who come from the less affluent sectors of the society, particularly those with families and especially young children and those persons who suffer ill health, find this difficult and onerous. So, I would ask the Honourable Minister to look into this and see if he can work with the insurance companies to eliminate this contradiction (as I prefer to term it) to the point where if one is paying the monthly premiums then upon visitation one does not have to fork out cash to pay for medical attention received provided it falls within the coverage that one has.

Madam Speaker, I have heard of many of these circumstances, many of them frightening. Circumstances in which two of my constituents reported to me that they sort medical attention overseas and before leaving were ensured by the company carrying their insurance that they would honour the bills incurred, only to go access the medical service and upon presentation of the card and affirmation have coverage was denied. One of these persons was put out to the tune of \$10,000 and one substantially more.

The danger in that is that when you are outside of this jurisdiction and nobody knows your family and nobody knows your circumstances, no one is sympathetic. Accessing medical care is a business and so these people in Miami, Florida, were seriously inconvenienced. One of them had to leave the jurisdiction, come to Cayman and negotiate a bank loan. What if they were not allowed to leave? What if the charge was laid that they were trying to receive the medical attention under false pretences or by fraudulent means? So, these are the kinds of contradictions and problems, Madam Speaker, which have to be ironed out.

From the information I have, some of these companies can be more accommodating. Madam Speaker, you will be aware of other concerns. The Elected Member for North Side and I discussed a peculiar case in which cov-

erage is denied not only to indigent persons but to persons with an existing medical condition who are able to work. This again is a contradiction. Where do these people fall? They are not indigent and therefore cannot qualify for the indigent uninsurable because they are still healthy and some of them are still at the age where they are productive citizens and workers in the community. Yet, because of an existing condition they are denied coverage—period.

These kinds of concerns also have to be addressed and discussed with the insurance companies. I know of at least two cases that were brought to my attention by the Elected Member for North Side. I know in my constituency of another two cases. So, Madam Speaker, these are all challenges that have yet to be worked out and, again, I want to commend the Minister and his staff because they have done a great job and the fault does not, I am convinced, lie with the Minister and his staff.

What we have to overcome is the intransigence between some of the insurance companies and the clients that they insure. In this regard, Madam Speaker, the Minister has to be prepared to be a mediator, to use his staff to mediate. I would prefer to say mediate rather than regulate or legislate because I think we can get a better understanding if we go through it without it being an adversarial or without us having to divide into two camps on opposite and polar sides.

So, the Minister and his ministry has to be prepared to mediate and to shepherd the insurance companies along and to reassure them while at the same time bolstering the faith and the expectations of the clients and the community.

Madam Speaker, the insurance company should be happy because they have a wholly captive audience. They have monies for which they collect and they don't have to pay any taxes or anything on. So, they should be rushing to be as accommodating as they can especially when we consider that when the civil servants come on line there be another approximately 10,000 clients for the insurance companies to receive.

I believe that sound health insurance is a progressive step and I am happy that we could realise it. But I am also cognisant of the fact that there is a pool of people in our society who cannot qualify. It is to these people that we bear a great responsibility. And it is to these people that we have to give the assurance that they will not be forgotten. The indigent that cannot qualify because he is unable to meet the cost of the premiums, the uninsurable that cannot qualify because he may have some pre-existing condition which does not allow him to access coverage, these people have to be the responsibility of the Government. And there must be some mechanism in place.

I believe the Honourable Minister has already set in place such a mechanism where five dollars in one instance and ten dollars in other instances is collected to go towards a pool to ensure that these people have health insurance coverage. This is indeed a noble gesture.

I want to further burden the Minister by suggesting (and I raised this already) that it is my observation that more and more people are finding it difficult to meet funeral and burial costs. I would say to the Minister by virtue of a suggestion that he may see fit to explore the possibility of subscribers paying \$1 or \$2 more per month which would allow them to have burial insurance as it is called in some places. Thereby release family members who may find it difficult, and equally important, release the Government from the expectations and the obligation to provide monies for the burial of such persons.

Madam Speaker, I was a short time ago (upon the passing of my mother) surprised to find that even a relatively modest funeral costs upwards of \$12,000. When someone is unprepared in the event of tragedy or a sudden death . . . that is not a paltry sum for persons of modest means to be expected to provide. So, I would say to the Minister, I am sorry for having to add more to his already loaded plate, but it would strike me that this may be something worth while pursuing since most persons who cannot meet these costs from family or person expenses look to the Government. I certainly know in other jurisdictions that it is possible to get this kind of coverage added on to one's health insurance policy.

Madam Speaker, that we are provided with successful health insurance is absolutely essential if the Government is to realise the cost of running its hospital. That's why I want to impress upon the Honourable Minister that if it is necessary he must bear down upon the health insurance providers so as to ensure that the Government is not unexpectedly or unrealistically burdened with costs that should be covered by the health insurance providers.

I note, Madam Speaker, the graciousness in the Honourable Minister's reply. I have every reason to believe that he is committed to what he has promised in his reply. And, I wish him well in his continued endeavours and would stress that he use the good offices of his ministry to pursue this matter so that the success we have realised thus far can be spread even wider. And, that the maximum number of our citizens can have reason to feel assured that they are ably covered and protected. I certainly give this motion and the ministry in its endeavours to provide health insurance to all members of our community my greatest support.

Thank you.

**The Deputy Speaker:** Does any other Member wish to speak?

The Fourth Elected Member for the district of George Town.

**Dr. Frank McField:** Madam Speaker, I don't really have too much to say with regard to this motion, since I feel that the Third Elected Member from Bodden Town just said a mouthful. But I think that I would like to make it abundantly clear that I am dissatisfied with any insurance company that requires that working people in particular

pay for medical attention and then send their bills to the companies for collection.

If I have a credit card, I believe that the purpose of having a credit card is to have credit. Therefore, I shouldn't have cash if I have the credit card. I believe that if I am paying on a monthly basis that I am accumulating credit, I am accumulating value, and I shouldn't therefore have to have additional money to pay for what I need and then they use what I have paid them to pay for what I have received after I have paid for it.

The insurance companies are in the business of risk-taking. They have to take a certain amount of risk otherwise they have no legitimate moral claim to the profits that they are raking off. So, what is it that they are doing? They are doing it like, *'you come and pay us the money and then after you have paid us the money then we will pay for you.'* Well, we don't need that kind of bureaucracy, so the insurance companies have to have a different function than they collect from me to pay the doctors after I have paid the doctors.

Why are we going through all of this? Why are we confusing the average person? Why are we frustrating the average person with a system that had very good intentions?

I think if the insurance companies really want to make this particular insurance requirement by Government successful they need to understand that a lot of people do not have savings. In today's world, we purchase everything on credit and that was the reason why the Government thought it would make good sense to force savings for health purposes. So, being insured is a kind of compulsory savings plan—in case you are sick you have the money to pay. So, if you are saving with the insurance companies to pay for medical attention you are not at the same time simultaneously saving in your own pocketbook to pay these costs.

I just hope that they can straighten this up and I think that part of the reason why the motion was brought was because there was a lot of complaints over the last nine months or so. I mean we don't hear as many complaints now as we were hearing in the beginning, Madam Speaker. But in the beginning when the motion was formulated there were tons of complaints, really a lot of complaints.

I am quite sure that the insurance companies listened also to what the public had to say and not just what the Government had to say and they have done some things to try to satisfy their customers a bit more. But the whole purpose of insurance, people would say to me, is that if this is what is required as to how much they can get as a result of being insured. Some persons felt that there were not enough benefits.

The Minister has addressed this question and he obviously has it under control. So, I would just like to lend my support to the endeavours that the Minister is involved with regarding improving that particular relationship between the customer and the insurance company which seems to have suffered greatly as a result of insurance companies requiring that people pay, first of all,



the medical practitioners, and then made the relevant billing themselves to the insurance companies.

Thank you.

**The Deputy Speaker:** Does any other Member wish to speak? Does the mover wish to exercise his right of reply? The First Elected Member for the district of West Bay.

**Mr. W. McKeeva Bush:** Madam Speaker, I don't intend to be long as members have rightly put the motion on all fours. By that, I mean they have talked about the things that need to be done.

I note the Minister said that I had only given him one written complaint and should bring complaints to the superintendent. That one, however, was serious enough because it was bill of over \$25,000 and the people had paid for premium, something happened and the insurance company kept taking the premium but then refused to pay the bill. So, that one was serious enough.

There are various other complaints. People will come and talk to their representative and not find the time to sit down, and perhaps some of them cannot even verbalise what they are talking about. All they know is that they paid their insurance and they expect to be covered. So, they come to us and they don't put anything in writing most times. So, I think, that's why you find that so many members had so many complaints but that's part of our job in any event.

Madam Speaker, people now accept that they have to obtain insurance and that is something that is a milestone in this country because people just saw it in the past as a nuisance of paying out money and not needing it. But in today's world where medical costs are so high it's absolutely necessary.

The biggest complaint is the non-acceptance of certain insurance cards by doctors or some clinics. This is the biggest one. Someone rightly said, *'what is the use of having the card if they cannot use it?'* That is the expectation people have—to get the card and not have to pay up front. Just yesterday someone went to the doctor in a private clinic with the Government's insurance card and had to pay up front, it was not accepted.

These are the kinds of things that will have to be dealt with. This has to be rectified. Madam Speaker, I offer my support and congratulations because as I said we have come far. This is laudable knowing the pressures. Over my sixteen years in the House various attempts have been made and so we have gotten this far by, I think by gentle persuasion more than anything else.

I would hope that the Minister would take my point on board to deal with the matter of the person who is not able to get insurance because of a pre-condition and if they have a credit card they don't qualify to get assistance from Government. I think this needs re-examination and I hope that the Minister would take that on board because the truth is credit cards in this country are a hindrance to a lot of things. People don't want to accept them; perhaps in this election year people don't even want to here it, but it is a fact. It is one of the rea-

sons why a lot of people could not qualify for the housing scheme because they had two credit cards with so much balance and that prohibited them from qualifying.

I think that the banks needs to be absolutely sure when people apply that they know what they are getting into. It's easy, of course, you know you can spend anything and pay later but it does have an effect. It's a very good convenience but it does have an effect later on.

Madam Speaker, that's not part of the motion but I can understand that Government might feel that some people might just have a credit card just to have it but that's not the case in some instances. A lot of people just have them for certain things just like the case I mentioned, the person had to have the credit card, he didn't have any money to be able to fund the medical bills in Miami.

Madam Speaker, I thank the Minister for his acceptance of the motion and would ask him to look at the various things that members have identified and look forward to the amendments. I thank him and his staff for the continuing efforts in that direction. Thank you kindly.

**The Deputy Speaker:** That concludes debate on Private Member's Motion No. 4/2000, entitled, Investigation into the practice of Health Insurance Providers. The question is, **"BE IT THEREFORE RESOLVED THAT Government urgently conduct an investigation into the practice of providers;**

**"AND BE IT FUTHER RESOLVED THAT such an investigation be completed within three months and tabled in this Honourable Legislative Assembly along with the Government's strategy for addressing any weakness within the operations of the system."** Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: PRIVATE MEMBER'S MOTION NO. 4/2000 PASSED.**

**The Deputy Speaker:** The next item on the Order Paper is Government Business. But I would ask for the suspension of Standing Order 24(5) in order for this Government Motion to be debated.

#### **SUSPENSION OF STANDING ORDER 24 (5)**

**Hon. Truman M. Boddien:** Madam Speaker, I move the suspension of Standing Order 24(5) to allow the debate on Government Motion 1/2000.

**Mr. W. McKeeva Bush:** Madam Speaker, before you put the question, can I enquire as to what happened to the other motions that we had on the Order Paper?

**The Deputy Speaker:** The First Elected Member for the district of West Bay, I will ask the Chairman of the Business Committee to provide you with an answer.

**Hon. Truman M. Bodden:** The Business Committee has set the two Private Members' Motions and the two Bills—the Bills because time hadn't run. The two Private Members' Motions for two reasons: Firstly, this coming week the United Nations and 50 or 60 different countries will be here for a UN Forum and, secondly, these are long motions and the Minister of Tourism will be out during next week. As a result, we have put those four pieces of business for the following Monday when they would then go on.

**The Deputy Speaker:** The First Elected Member for the district of West Bay.

**Mr. W. McKeever Bush:** So, is it expected then that the House will adjourn after the debate on this matter today?

**The Deputy Speaker:** Honourable Member, according to the Order Paper provided for the procedure for today that is the next item after the debate on Government Motion No. 1/2000.

The question is that Standing Order 24(5) be suspended in order to allow debate on Government Motion No. 1/2000 entitled, Amendments to the Development Plan 1997. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

**The Deputy Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 24 (5) TO ALLOW DEBATE ON GOVERNMENT MOTION NO. 1/2000.**

**The Deputy Speaker:** Honourable Minister for Education, Aviation and Planning.

## GOVERNMENT BUSINESS

### MOTIONS

#### GOVERNMENT MOTION 1/2000

##### AMENDMENTS TO THE DEVELOPMENT PLAN 1997

**Hon. Truman M. Bodden:** I would like to just read this motion and to mention that this is brought under Section 13 of the Development and Planning Law under which the Central Planning Authority has the right and the power to send to this House variations or alterations to the plan and obvious I must bring these amendments here. It says,

**“WHEREAS:**

**1 In April and May 1999 the Central Planning Authority received applications for re-zoning of:**

- ♦ registration section, Spotts, Block 24B, Parcels 4, 143 and 144, from Low Density Residential to Neighbourhood Commercial and

Parcel 2 from Low Density Residential to Marine Commercial;

- ♦ registration section, West Bay North West, Block 1D, Parcels 52, 53 and 54, from Low Density Residential to High Density Residential;
- ♦ registration section, Prospect, Block 22E, Parcel 237, from Low Density Residential to Neighbourhood Commercial;

**2 At meetings of the Central Planning Authority in June and July 1999, the Authority resolved to proceed with amendments to the Plan, to wit:**

- ♦ to change the zoning of Block 24B, Parcels 4, 143 and 144 from Low Density Residential to Neighbourhood Commercial and Parcel 2 from Low Density Residential to Marine Commercial;
- ♦ to change the zoning of Block 1D, Parcels 52, 53 and 54 from Low Density Residential to High Density Residential;
- ♦ to change the zoning of Block 22E, Parcel 237 from Low Density Residential to Neighbourhood Commercial;

**3 Public Notices of the Authority's intention to amend the Plan, for the first and second application, were published on 21, 23, 28 and 30 July 1999 in accordance with section 14(2) of the Development and Planning Law. With regard to the last application, the notices were published on 9, 11, 16 and 18 June 1999;**

**4 No objections were received within the statutory period of two months;**

**“NOW THEREFORE BE IT RESOLVED THAT in accordance with section 13 of the Development and Planning Law (1999 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposals for alterations to the Development Plan 1997, a summary and map for each is attached hereto and the Legislative Assembly hereby makes the following alterations, additions and amendments to the Development Plan 1997 which shall come into force seven days after the passing of this resolution:**

- ♦ that registration section, Spotts, Block 24B, Parcels 4, 143 and 144, be re-zoned from Low Density Residential to Neighbourhood Commercial and Parcel 2 be re-zoned from Low Density Residential to Marine Commercial;
- ♦ that registration section, West Bay North West, Block 1D, Parcels 52, 53 and 54, be re-zoned from Low Density Residential to High Density Residential;
- ♦ that registration section, Prospect, Block 22E, Parcel 237, be re-zoned from Low Density Residential to Neighbourhood Commercial.”

The motion and the plans are attached to the motion as well as the summaries. Really I have nothing further to add. I would just like to point out that the proper procedure has been carried out with the accordance with the law. It's a very long process, a very democratic process, and there were no objections to it.

Thank you.

**The Deputy Speaker:** Government Motion No. 1/2000 has been duly moved. Does the Honourable Minister wish to speak to it?

**Hon. Truman M. Bodden:** Madam Speaker, this is self-explanatory. I would leave it.

**The Deputy Speaker:** The motion is opened for debate. Does any Honourable Member wish to speak?

The First Elected Member for the district of West Bay.

**Mr. W. McKeeva Bush:** Madam Speaker, I note that the motion has to do with an area in West Bay. I would inquire of the Minister if the rezoning on what seems to be the Frank Hall Homes sub-division, the new one, is this so that they can get more lots out of the property?

**The Deputy Speaker:** The Honourable First Elected Member I would think he would answer you in his right of reply.

**Mr. W. McKeeva Bush:** Yes!

**The Deputy Speaker:** Okay.

**Mr. W. McKeeva Bush:** It's just a matter of enquiring because it didn't say.

**The Deputy Speaker:** Proceedings will be suspended for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 11.11 AM

#### PROCEEDINGS RESUMED AT 11.33 AM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Debate continues on Government Motion 1/2000. Does any other Member wish to speak?

If no other Member wishes to speak, would the mover wish to exercise his right of reply?

**Hon. Truman M. Bodden:** No, Madam Speaker.

**The Deputy Speaker:** I shall put the question on Government Motion No. 1/2000. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: GOVERNMENT MOTION NO. 1/2000 APPROVED.**

**The Deputy Speaker:** That concludes all the business before the House today. I will entertain a motion for the adjournment.

The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Madam Speaker, I move the adjournment of this Honourable House until Monday, 3 April at 10.00 a.m.

**The Deputy Speaker:** I have granted permission to the Third Elected Member for the district of Bodden Town.

The Third Elected Member for Bodden Town.

### RAISING OF MATTERS FOR WHICH GOVERNMENT HAS RESPONSIBILITY STANDING ORDER 11(6)

#### ESCAPED PRISONER

**Mr. Roy Bodden:** Thank you, Madam Speaker.

Under the provision of Standing Order 11(6) I, the Third Elected Member for Bodden Town, wish to raise a matter for which the Government has responsibility in order to elicit a reply from the Honourable First Official Member who is constitutionally responsible to reply to such matters in the Parliament.

Madam Speaker, I find it disconcerting and disturbing to once again have to raise the matter of the Government's inability to securely imprison dangerous prisoners. To have to mention such matters at this level in the Legislative Assembly so shortly after having brought the matter earlier, shows that the Government is unable or incapable to securely imprison such persons.

These events do not bode well in bolstering public confidence in the ability of both Elected and Official arm of Government to offer the society at large security and peace of mind.

In the aftermath of the previous escape, the Commissioner of Police announced through the news media that an investigation would take place to ascertain the facts surrounding that escape.

It is my information that no public statement has been made to-date regarding such an investigation. This being the case, one is left to wonder if this reticence is further evidence of an inherent inability to deal with such persons.

Democracy and civil society demands that citizens live without fear, apprehension and intimidation. This being the case it is intolerable and unacceptable to expect the law-abiding citizens of the Cayman Islands to inconvenience themselves by altering their lifestyles purely because the social control agencies are incapable of performing their jobs.

In a society, which hitherto prided itself on social stability, the maintenance of law and order and respect,

this deterioration must now be cause for alarm and send the signal that Government's inability to protect law-abiding citizens signals a failure of Government.

There is too a sense in which the state must also be held liable for the safe re-apprehension of the escaped prisoners. In light of the frequent escapes, responsible parties must call into question the state's ability to recapture escapes without injury to either the escapees or those persons authorised to capture them.

It is unfortunate and regrettable that so much valuable time and effort is lost in trying to avert blame rather than constructively analysing the breakdown on these occasions.

I call upon the Government to acquire the services of a suitable professional to analyse the appropriateness of the facilities at the Central Police Lock-up regarding housing dangerous prisoners at this site. Further, I request that Government take greater precautions to protect the law-abiding community from the threat of dangerous prisoners.

The prosperity of the Cayman Islands is inextricably linked to the maintenance of law and order as much as it is to a progressive economy. Government by its failure to successively house these dangerous persons must accept responsibility for placing civil society at risk.

**The Deputy Speaker:** Honourable First Official Member.

**Hon. James M. Ryan:** Thank you, Madam Speaker.

Madam Speaker, I had proposed to make a public statement this morning, but the Third Elected Member for Bodden Town had already submitted to you. I will, however, read that statement.

It is captioned, "**Escape by McAndy Thomas, Steve Manderson, and Gary Hurlston on 21 March 2000.**"

Central Police Station has two cellblocks. The new external block and an internal block which usually houses female prisoners. The former has six cells, the latter twelve.

Since the previous escape the more troublesome Northward Prisoners have been housed in the internal block. Troublesome is certainly the word. These prisoners are constantly agitating, shouting, complaining about their conditions and rattling cell bars. Only yesterday afternoon, they threw urine over a police guard.

At 6.40 yesterday evening, a fire was discovered in the internal cellblock. I should say at this point that matches, lighters or anything else that can start a fire is not allowed and something either a cigarette lighter or a match had to have been smuggled into that cell for them to be able to start a fire.

Police officers evacuated all prisoners including Thomas, Manderson and Hurlston. Each was shackled by the legs and handcuffed then transferred to the outer cellblock. On being placed in the cells, the handcuffs and shackles were removed.

Around 9.00 p.m., Thomas requested the use of the bathroom. There are no such facilities in the cell and every time such a request is made the prisoner has to be

escorted to bathroom nearby—this was done by a prisoner officer, as is usual for Northward prisoners in Central Police Station. On return from the bathroom, Thomas produced a butcher knife 8 inches long, and threatened the Prison officer who refused to release the keys. The Prison officer's shirt was damaged by slashing movements of the knife. Whilst his hands were held high, Thomas removed the cell door keys from the Prison officer's pocket and released Manderson and Hurlston from their cell.

A prison cell guard near to the exit door, out of site of the prison officer and the cells, heard the cell doors shut and incorrectly assumed that it was the final closing. He caused the door to be opened from the other side by another police cell guard. The prison officer made a dash through the door but caught by surprise the two cell guards were unable to supply sufficient pressure to the door to prevent the three prisoners gaining access to the guardhouse. A cell guard was then threatened with a knife and the keys to the external door were seized and used to effect their escape into the police yard and then to the public area. Teams of police officers were formed and off-duty officers were called to duty. A search is now on the way to capture them.

These determined escapees are held at Central Police Station as facilities for such persons still does not exist at Her Majesty's Prison at Northward. The new cellblock at Northward is scheduled to be completed on the 26<sup>th</sup> of this month and the badly needed improved security fence will take another three to four months.

The enquiry into previous escapes at Central Police Station is still on going and the outcome is expected soon. I thank you, Madam Speaker.

**The Deputy Speaker:** Because of the importance of this matter, and if the Honourable First Official Member is prepared, I will allow some questions.

The First Official Member has indicated he will answer questions.

**Mr. W. McKeever Bush:** Madam Speaker, I am wondering whether the Honourable Chief Secretary could say how they came into contact with a butcher knife?

**The Deputy Speaker:** The Honourable First Official Member.

**Hon. James M. Ryan:** That's the same question I asked when the Commissioner informed me of this. He is investigating that.

We believe that the knife must have been planted in the restroom facility by someone who may have visited one of these prisoners at Central Police Station and then they were informed. That's the only explanation I can give, but we are investigating it.

**The Deputy Speaker:** The First Elected Member for the district of West Bay.

**Mr. W. McKeeva Bush:** Madam Speaker, I heard what the Honourable Chief Secretary said. Isn't there some procedure for checking visitors to the lock-up or the prison wherever? If there is none then I think this needs to . . . as much as they might hate to do it, they certainly will have to start to put some searches in place.

**The Deputy Speaker:** The Honourable First Official Member.

**Hon. James M. Ryan:** There is definitely a search made but as that Honourable Member will appreciate, short of a complete strip search, things can be concealed on one's body that may not necessarily be found.

**The Deputy Speaker:** The Fourth Elected Member for the district of George Town.

**Dr. Frank McField:** Madam Speaker, Manderson has escaped several times. Could the Chief Secretary say if the Police have any knowledge or if they have inquired of him to explain why he continues to escape lawful custody?

**The Deputy Speaker:** The Honourable First Official Member.

**Hon. James M. Ryan:** Madam Speaker, Manderson has said publicly . . . in fact, I think the Fourth Elected Member for George Town may have had a publication recently in which a letter of Manderson was included. He has said he is not guilty. The fact is the matter has gone through both the Grand Court and was appealed to the Court of Appeals. The decision was upheld, as this Honourable House will appreciate the judiciary must also be immediate of the executive arm of Government. I can only say that the matter has been dealt with through the courts.

**The Deputy Speaker:** The Third Elected Member for the district of George Town.

**Mr. Linford A. Pierson:** Madam Speaker, my major concern is, in view of this suspicious fire that started in the cellblock and in view of the prisoners involved, why was only one guard allowed to escort one of the prisoners back to the urinal? Wasn't there enough suspicion there to have raised the red flag that something was up?

**The Deputy Speaker:** The Honourable First Official Member.

**Hon. James M. Ryan:** Madam Speaker, the request to go to the bathroom took place an hour and a half or more after the incident with the fire. Because of the fact that we are stretched very thin with prison officers having to cover Northward Prison, East End, Tent City and Central Police Station, the temporary director does his best to spare what he can by way of staff. He and the Commis-

sioner of Police work together, but there was no reason to suspect that there was anything untoward at that time.

The fact is, had there even been say two officers, the man producing an 8-inch knife and making cutting motions at them . . . it would have been difficult for two or even three people to have done very much about it.

**The Deputy Speaker:** The Third Elected Member for the district of West Bay.

**Mr. John D. Jefferson, Jr.:** In light of the fact that both Manderson and Thomas recently escaped, and are both convicted murderers, can the First Official Member say whether or not they are still entitled to personal visits by friends or others while being held at Central Police Station?

**The Deputy Speaker:** The Honourable First Official Member.

**Hon. James M. Ryan:** Madam Speaker, perhaps there should have been no visits for them. In fact, there should be no visits for any prisoners, but Honourable Members will appreciate that families of these people do want to visit them and do want to find out about their wellbeing. As far I am aware, there is nothing to currently stop visits for any inmates by their relatives.

**The Deputy Speaker:** I will allow two more questions.

The Third Elected Member for the district of Bodden Town followed by the first elected Member for the district of West Bay.

**Mr. Roy Bodden:** Can the Honourable First Official Member tell the House if the 8-inch knife which he stated was produced by one of those prisoners was taken by the prisoners on their escape? Is it likely that these prisoners are still armed with this 8-inch knife?

**The Deputy Speaker:** The Honourable First Official Member.

**Hon. James M. Ryan:** I am unable to answer that question, but the Commissioner of Police scheduled a press conference that should be taking place about now. I am sure that the press will ask that question, so no doubt that information will be available, I will certainly inquire into it.

**The Deputy Speaker:** The First Elected Member for the district of West Bay.

**Mr. W. McKeeva Bush:** Madam Speaker, in regard to the searches, I would not deny anybody in prison a visit. That is my opinion. But I am wondering whether rules and regulations could be put in place for proper searches to ensure that no dangerous weapon is taken into the prison or the lock-up or anywhere a prisoner could get hold of it.

I would say this as just an opinion, that this whole situation is not good. And it is time now that Government assures the populace of their safety. This does not look good on this country.

**The Deputy Speaker:** The Honourable First Official Member.

**Hon. James M. Ryan:** The Honourable Member can be assured, yes, that every effort will be made. And I will personally be speaking with the Commissioner on this. I totally agree with him that this is not good enough. When I was informed of it last night, you could rest assured you weren't half as concerned and upset as I was. His Excellency I am sure is equally upset. I haven't spoken to him yet, he was due back in Grand Cayman this morning.

I believe that once we have those 24 cells ready at Northward, we will be able to deal with this. One of the problems I should explain at Central Police Station, we have a number of people there on remand. And as Honourable Members will appreciate, those persons on remand are innocent until proven guilty. It is unfortunate that we have to mix convicted criminals with persons who are there on remand that may not be criminals, they may be innocent.

We will be doing everything in our power to bring the conclusion of holding convicted criminal at Central Police Station to an end very shortly.

**The Deputy Speaker:** The question is that this Honourable House do now adjourn until 10.00 Monday, April 3<sup>rd</sup>. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it. This Honourable House is now accordingly adjourned until April 3<sup>rd</sup> at 10.00 a.m.

**AT 11.55 AM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 3 APRIL 2000.**

**EDITED  
MONDAY  
3 APRIL 2000  
10.29 AM**

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

*[Prayers read by the Honourable Minister for Education, Aviation, and Planning]*

**The Deputy Speaker:** Please be seated. Moving on to Item 2 on the Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Deputy Speaker:** I have received apologies from the Honourable Speaker who will not be here today but hopes to be back with us shortly.

The next item on the Order Paper is Other Business, Private Members' Motions, Private Member's Motion No. 5/2000, Concerns with the Occurrences at Northward Prison, to be moved by the Third Elected Member for Bodden Town.

The Third Elected Member for Bodden Town.

**OTHER BUSINESS**

**PRIVATE MEMBERS' MOTIONS**

**PRIVATE MEMBER'S MOTION NO. 5/2000**

**CONCERNS WITH THE OCCURRENCES  
AT NORTHWARD PRISON**

**Mr. Roy Bodden:** Madam Speaker, I respectfully beg to move Private Member's Motion No 5/2000 (originally 28/1999), standing in my name, which reads as follows:

**"BE IT RESOLVED that the Legislative Assembly record its concerns with the occurrences at Northward Prison which led up to the events of Thursday 30<sup>th</sup> September, 1999 and Friday 1<sup>st</sup> October, 1999;**

**"AND BE IT FURTHER RESOLVED that the Legislative Assembly register its concern over the lack of coherent policies regarding prisoner rehabilitation, the administration at Northward Prison and the development of secure and effective facilities of incarceration in the Cayman Islands."**

Madam Speaker, there was also an amendment to the motion adding a third resolve clause. I do not know how the House would like that matter to be dealt with, whether we would wish to debate the motion as it was read, or whether we should read also the third resolve in the amendment to the motion.

**The Deputy Speaker:** Honourable Member I have no amendment other than one that is being moved by the Honourable First Official Member. Can the Clerk tell me if there is a second amendment to the motion?

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Madam Speaker, the motion was amended thus:

**"AND BE IT FURTHER RESOLVED THAT the Government lay on the Table of this Honourable House within 90 days, its plans for both the physical and rehabilitative reforms of Her Majesty's Prison at Northward, including the timetable for the implementation of such reforms."**

**The Deputy Speaker:** Honourable Member I think that the motion has been rewritten because it has been brought to 2000 and it is included in the motion that I have before me.

Is there a seconder for Private Member's Motion No. 5/2000? The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Madam Speaker, I am pleased to second the motion.

**The Deputy Speaker:** Private Member's Motion No. 5/2000 has been duly moved and seconded. Does the mover wish to speak to it?

The Third Elected Member for Bodden Town . . . if I may, the First Official Member.

**AMENDMENT**

**Hon. James M. Ryan:** Thank you, Madam Speaker.

In accordance with the provisions of Standing Order 25(1) and (2), I, the Honourable First Official Member, seek to move the following amendment to Private Member's Motion No. 5/2000: **"by amending the second operative part (resolve clause) by deleting the words 'register its concern over the lack of coherent' and substituting therefor 'recommends that there be a review of the.'"**

Madam Speaker, if I could then read what it would say, with your permission. The second resolve would then say:

**"AND BE IT ALSO FURTHER RESOLVED THAT the Legislative Assembly recommends that there be a review of the policies regarding prisoner rehabilitation, the administration at Northward Prison and the development of secure and effective facilities of incarceration in the Cayman Islands."**

**The Deputy Speaker:** The question is that Private Member's Motion No. 5/2000 be amended as in the notice provided to members. Would the proposer wish to speak?

**Mr. W. McKeeva Bush:** Madam Speaker, can I make an inquiry as to whether that amendment has been circulated?

**The Deputy Speaker:** It has been for some time, Honourable Member.

Would the First Elected Member for the district of West Bay like me to ask the Clerk to let you have a copy of that amendment?

The Honourable First Official Member.

**Hon. James M. Ryan:** The resolve section as moved by the Third Elected Member for Bodden Town and seconded by the First Elected Member for West Bay speaks about the lack of coherent policies. I would like to point out, first of all, that the *Concise Oxford Dictionary* defines the word 'coherent' as "consistent, easily followed, not rambling or inconsistent." So, the motion as moved would speak to having policies that would be inconsistent, not easily followed, rambling and inconsistent.

Madam Speaker, I would like to point out why I believe that there are consistent policies at Northward Prison. I would like to speak to a few of these.

First of all, following the riots at Northward Prison on 30<sup>th</sup> September and 1<sup>st</sup> October last, His Excellency the Governor, on my advice, appointed an independent investigator in the person of Sir Stephen Tumin to carry out an investigation and to do a report on the situation at Northward.

Members would recall that I laid that report on the Table of this honourable House earlier this year. There were a number or recommendations that came out of that report. Additionally, I took the decision on 1<sup>st</sup> October to send the director on leave and put the prison in the hands of the Commissioner of Police as called for in our contingency plans in the event of serious trouble.

Following that, a temporary director was recruited from the UK and he began, with my assistance and with the assistance of a number of other people, to look at policies at Northward Prison and, in particular, the policy on prisoner rehabilitation.

A review of the patrol system has been ongoing, is nearing completion, and will shortly be announced by His Excellency the Governor (once he accepts this); the outcome of which should make the system more readily understood, more effective for inmates released under supervision and will provide individual targets for an inmate's performance. And for those who are refused parole, there will be a review of the case.

The prison rules have been under review for some time and these are progressing. Once completed, this will bring the rules that govern the day to day operations of the prison in line with the times.

Other policies that have been introduced are the whole range of educational facilities at Northward. These include basic education as well as academics and there are social education programmes ongoing. Counselling had been started for quite some time and this has been beefed up and is ongoing. This covers areas such as drug abuse, alcohol and anger management.

Staffing levels have been re-examined and we have put in place a new structure at Northward that will allow the senior management team to deal more effectively with the prison, with inmates, and with the whole operation.

On 26<sup>th</sup> March, we introduced the white tunic for all prison officers and this has already raised the morale of the staff. All inmates have now been put back in prison uniform and we have gone back to the 8-hour system of shifts that had been suspended (we had to go to 12-hour shifts).

Madam Speaker, later on in the debate, I will have an opportunity to go into issues in more detail, but I contend that the policies at Northward Prison are coherent. They are in place and are working. We are steadily making progress in this area and, accordingly, I ask for members' support to amend the private member's motion as I proposed. Thank you.

**The Deputy Speaker:** Does any other Member wish to speak to the amendment? The Third Elected Member for the district of Bodden Town.

**Mr. Roy Bodden:** I have listened intently to the Honourable First Official Member state his case why his amendment should carry. However, I have to say that I am not convinced that the amendment would serve any useful purpose from the mere fact that we have had a significant number of reviews emanating out of various circumstances which have occurred at Northward Prison, in addition to regularly scheduled and ongoing reviews. It would seem that these reviews have done little more than become the subject of someone's reading and shelving, as is often the case in the bureaucracy.

As I will go on to show when I am debating the substantive motion, recommendations were made in some of these reviews that seem not to have been implemented for whatever reason. Therefore, I contend that another review of this nature would serve no other purpose than to be purely academic.

Madam Speaker, I stand by the position that what we need is some form of programme for implementing what needs to be done. There is also the added reason that often we are caught up with these reviews where we import outside experts and sometimes what could be best achieved is taking a commonsensical layman's position. We have arrived at a point now where we all agree that we need to take a hands-on approach because the events of 30<sup>th</sup> September and 1<sup>st</sup> October serve to let us know that we have a simmering problem that needs to be arrested and addressed.

Consequently, Madam Speaker, I cannot give my support to another review where we will have to set up



terms of reference, craft a job description for the reviewer, and we don't know how long the review would go on wasting precious time when we could draft a programme with a proper implementation schedule as to what needs to be done.

Madam Speaker, you know that I have the greatest respect for democracy. And, of course, I will always honour people's democratic right to take their positions. On the other hand, I am asking honourable members who are aware of this position, to support the motion as we moved it and not to support the amendment because we are going to be wasting precious time treading water. Thank you, Madam.

**The Deputy Speaker:** Does any other Member wish to speak? The Fourth Elected Member for the district of George Town.

**Dr. Frank McField:** Madam Speaker, the importance of actually having a motion define a concern or a position cannot be underestimated. Therefore, when a member brings a private member's motion that expresses the concerned view, the perspective of the member, it seems to me that the Government should be very cautious as to try to take control of perception by re-defining the parameters of the motion.

The fact that the First Official Member has rebutted statements in the motion without debating the motion and refusing to allow certain accusations to succeed in debate, I believe short-changes this process. I think it is quite obvious that what the Government will do is vote collectively as a block to insist that the framing of the debate be such as is now being proposed by the First Official Member. The framing of the debate creates the perception and, therefore, what we have done is move from one possibility of perception to another.

He is saying that from the very beginning we are going to take out the fact that we are registering our concern. He believes that recommends or the whole idea of the Legislative Assembly recommending is more significant than registering its concerns.

*[The Honourable First Official Member rose]*

**The Deputy Speaker:** The Honourable First Official Member.

#### POINT OF CLARIFICATION

**Hon. James M. Ryan:** Madam Speaker, on a point of clarification, my amendment did not ask that we remove the concerns—

**The Deputy Speaker:** Honourable First Official Member, you will have that right in your right of reply to answer those questions.

**Hon. James M. Ryan:** Okay. Thank you.

**The Deputy Speaker:** You're welcome. The Fourth Elected Member for the district of George Town.

**Dr. Frank McField:** I am suggesting here that what the First Official Member is seeking to achieve by way of the amendment could be achieved in the debate on the motion as it was brought by the two private members.

I have seen many times in this House, Madam Speaker, that the entire framework of the motion has been totally reconstructed, to the point where sometimes it is not even recognised that we are talking about the same thing as the movers of the motions intended us to talk about. But the First Official Member went into the definition of "coherent" saying, in fact, that he is amending the motion because he disagrees with the interpretation of the movers of the motion that the policies with regard to Northward Prison are incoherent. So, the debate would really be registering our concern about the lack of coherent policies. He is saying, let us say that the policies are coherent—so that finishes part of the debate.

We can still perhaps talk about that, but to remove it from the motion means that when it comes to voting on the motion we will not be voting and saying yes or no to the lack of coherent policies—which I believe is an important position to take up. Either the policies have been coherent or the policies lack coherence.

I believe that this amendment defuses a very important charge, and I maintain that it would be best for us to debate the motion as it was brought to us by the two movers rather than to have the Government defuse the policy ramifications of a positive vote on this private member's motion, which would in fact call to register a serious concern. By it being a positive vote, it would mean that the Government policies have not been coherent and this would be a significant charge that the Government would have to answer to.

So, let me say that I do not support this amendment. I do not believe that the First Official Member has made any significant case as to why that position, which he maintains could not be brought as the position in his rebuttal of these particular assumptions by the movers of this motion, has to be amended in order to eliminate such coming to the vote.

**The Deputy Speaker:** The First Elected Member for the district of West Bay.

**Mr. W. McKeeva Bush:** Madam Speaker, I feel that the amendment, however, well meaning *ultra vires* the motion. It certainly changes the intent of the motion, and I don't believe an amendment to any bill or motion can do that. Why I say that, Madam Speaker, the Honourable Chief Secretary is changing that first resolution and asking that we recommend that there be a review.

Now if you do that, how, then, would we reach the second resolution where it asks that Government lay on the Table of this House within 90 days its plan for both the physical and rehabilitative reforms? It would seem that we would be jumping the gun—putting the cart before the horse, as it were. So, I cannot see how this

amendment can be allowed, and I am sure that if you check it (if you haven't as yet) maybe you will find what I am saying is correct.

He is changing the intent of the motion. While the motion has two operative parts, if we do his amendment and change the first resolve section, it will do away, I believe, with the second resolve where we are asking them to lay plans on the Table for both the physical and rehabilitative reforms of the prison. So, I think it changes the motion completely.

**The Deputy Speaker:** Honourable Member, I understood what you said. I have no way of knowing why the Honourable Speaker accepted the amendment to the motion. I have no way of knowing if the amendment came before the third resolve was included in the motion. If it is the wish of this House when the proposer has completed his rebuttal, and before I put the question, I am prepared to suspend proceedings and research before we take the vote on the amendment.

**Mr. W. McKeeva Bush:** Madam Speaker, I think it is a procedural matter and I merely rise on that aspect of it. I feel it's a procedural matter that needs to be dealt with.

**The Deputy Speaker:** The Third Elected Member for the district of George Town.

**Mr. Linford A. Pierson:** Thank you, Madam Speaker. My comments on this amendment will be brief. Its only to comment on what seems to be the troubling phrase here, where there has been a change from the wording "register its concern over the lack of coherent policies" and substituting, 'therefore recommends that there be a review of those policies.'

Madam Speaker, the third resolve to the motion, I think, is consistent with the amendment to the motion. I say that because in suggesting that the Legislative Assembly recommends that there be a review of the policies it would seem only logical that in order to lay on the Table of the Honourable House within 90 days plans for both the physical and rehabilitative reforms of Her Majesty's Prison at Northward, that it would be necessary to have a review of the process and a review of the policies.

The troubling word that is being amended is "coherent." And I really cannot see why it was fully necessary to have amended this. But, in the same way I cannot see where the amendment is inconsistent or *ultra vires* the intent of the substantive motion. The major emphasis here seems to be requesting that this Honourable House lay on the Table within 90 days plans for both the physical and rehabilitative reforms of Her Majesty's Prison at Northward including the timetable for the implementation of such reforms. Whilst, I am not here debating the substantive motion, it is difficult to deal with the amendment without making reference to what the amendment is referring to.

Madam Speaker, coherent means intelligible and articulate, consistent and easily followed. It is against this

meaning that I cannot see why it was really necessary to have brought the amendment. But I cannot at the same time see how the amendment is inconsistent or *ultra vires*, or that it in any way offends the meaning and intent of the substantive motion. Accordingly, Madam Speaker, I cannot see where the Chair may have erred in any way in accepting the amendment to this motion. Thank you, Madam Speaker.

**Mr. W. McKeeva Bush:** Madam Speaker, I rise on a procedural matter.

**The Deputy Speaker:** The First Elected Member for the district of West Bay.

**Mr. W. McKeeva Bush:** My submission was that an amendment to a bill or motion cannot change the intent. Now, we have been very specific in that resolve section by saying that we raise our concerns over the lack of coherent policies. And we are not asking for any review, then we say that Government must do something.

Now, if they ask for a review, Madam Speaker, that is changing the intent of the motion. I submit that there is cause for the Chair to review this, whether presently or immediately following the Chief Secretary's rebuttal, but I certainly feel that it is *ultra vires* the motion because it changes the intent.

**The Deputy Speaker:** Honourable First Elected Member for the district of West Bay are you speaking on the amendment or just the procedural matter?

**Mr. W. McKeeva Bush:** Madam Speaker, I rose, as I said earlier, to draw the Chair's attention to what I thought was a procedural matter.

**The Deputy Speaker:** Does any other Member wish to speak to the amendment to Private Member's Motion No. 5/2000? The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddin:** Thank you, Madam Speaker. This amendment merely removes the words, "register its concern over the lack of coherent" and replaces it with 'recommends that there be a review of.' So, the full motion would really then read—and the balance of the motion is untouched—"BE IT RESOLVED that the Legislative Assembly record its concerns [which is the first part and the second would say] AND BE IT ALSO FURTHER RESOLVED THAT the Legislative Assembly recommends that there be a review of the policies regarding prisoner rehabilitation, the administration at Northward Prison and the development of secure and effective facilities of incarceration in the Cayman Islands."

And the third would remain the same.

Madam Speaker, what appears to be a logical approach in this is that if these policies and plans are going to be laid on the Table within 90 days, it seems to me that is the time to try to make such a very general state-

ment in relation to registering its concern over the lack of coherent policies. Therefore, it seems to me that the motion can easily, procedurally and otherwise, be amended as is being proposed because the amendment is now in line with the last operative part of the motion which is within the 90 days that plans be laid on the Table.

It is not negating the motion, which is really the procedural points that are borne out, at least in Erskine May's *Parliamentary Practice* at page 343 and 344. Obviously, you can amend a motion (and you can amend it quite easily in this situation because it flows much better). Rather than taking a judgment on something that is to happen, it's better for that thing to happen and then a decision be made.

In fact, the second operative resolve part is really anticipating the third one, which is when these policies and plans are laid on the Table. Then it's a time when a decision, whether they are coherent policies or not, can be made. At this stage, there are no policies before this House. The Honourable Chief Secretary has mentioned that policies are there.

The motion in its present form is expressing an opinion that there is a lack of coherence. And all the Government is saying is that the policies be reviewed, be laid on the Table of this House and then fairly and logically is the time when a decision can be made at what is lacking or what is coherent or otherwise in those policies.

So, I would submit that the motion could easily be amended, that there is no procedural problem. But, secondly, the amendment is in line with the motion and it is a much fairer way so that when we have policies laid on the Table, a decision can then be made as to what needs to be done with those and what's lacking in the quality of those policies. Thank you.

**The Deputy Speaker:** Does any other Member wish to speak? The First Elected Member for the district of George Town.

**Mr. D. Kurt Tibbetts:** Thank you. Madam Speaker, the backbench on occasion has been known to bring private member's motions to this honourable House and on occasion the government has been known to bring government motions.

Now, I have listened to what the members have been saying taking the various positions on this said motion. I listened very carefully to what the Minister of Education just said about the motion. I want to make a few comments.

Madam Speaker, the question on this amendment is not whether the government agrees with the motion or not. The question is whether what the motion is calling for is changed in its operative sense. You see, the motion, in its second resolve section, says, "**AND BE IT FURTHER RESOLVED that the Legislative Assembly register its concern over the lack of coherent policies regarding prisoner rehabilitation . . .**" That is what the motion is calling for.

Now, if the government and/or other members disagree with that, then they don't agree with the motion.

That's my view, because the point that I am making with it is if you agree to the amendment (and I understand what is happening with it), the amendment will then call for it to read, "**AND BE IT ALSO FURTHER RESOLVED THAT the Legislative Assembly recommends that there be a review . . .**"

Now, at this point in time, I am not suggesting that you cannot recommend a review. But if we are going to delete registering concern over the lack of coherent policies, what the motion will now say is that there is no cause to register that concern, let's simply do a review. Madam Speaker, that is not the intent of the motion.

So, if the government's position is that it be reworded to recommend that there be a review of the policies regarding prisoner rehabilitation et cetera, then let the government bring a motion.

Now, with regard to what the Minister of Education just said, you know Madam Speaker, sometimes I truly believe that he honestly goes to bed believing that he has total control over intelligence and understanding. He just said (and I not quoting him verbatim) that now is not the time to form conclusions. Let us get the plans (when he refers to the last resolve section) for both a physical and rehabilitative form of Her Majesty's Prison at Northward and then we can decide on what's coherent and what's not coherent.

When you bring forward, you are not talking about what's not coherent; you are talking about what you are going to do tomorrow. There is no logic to what he just said. None whatsoever! So, if we don't want an argument, let us examine the motion, Madam Speaker.

The motion in its first resolve section simply says, "**BE IT RESOLVED that the Legislative Assembly record its concerns with the occurrences at Northward Prison which led up to the events of Thursday 30<sup>th</sup> September, 1999 and Friday 1<sup>st</sup> October, 1999.**" That's a general statement and it moves on. What the movers of the motion are saying is, whether I agree or whosoever agrees, after we register these concerns, we also want for the Legislative Assembly to register its concern over the lack of coherent policies regarding prisoner rehabilitation, administration of Northward Prison, and development of secure and effective facilities of incarceration in the Cayman Islands. They follow one right after the other.

Now, if I don't agree with it then let me say that. But it is obvious what the mover and the seconder are saying with the motion. So, if they are in the minority in the House then what they are saying doesn't pass. But to simply say that you want to change . . . I have to also argue the intent of the motion by deleting "register its concern over the lack of coherent" and replacing it by 'recommending that there be a review of.' Madam Speaker, in my view, you are changing the intent of the motion. So, what we are faced with here is simply a question. If the government does not agree with what the mover and the seconder are intending to have debated and agreed upon in the motion then they simply don't agree with it.

To put something (and I am assuming here) to change that intent and replace it with the words that the amendment proposes is changing what they want to say in the motion. If the government wants to say that then my view is, let the government say that with their motion. But what the government is doing at this point in time is taking away what the motion is intending to say, reconfiguring it to say what the government seemingly (and that's an assumption) will accept.

The question is not whether the motion is current, ill advised, ill informed or whatever. The question is, what does the motion intend to achieve? I am saying that what the motion intends to achieve is clearly obvious. If it cannot achieve that, so be it. But I cannot see the reasoning to change the intent to what may be considered to be a more palatable circumstance as to do justice to the motion itself. That's the point I wish to make and it is not a question of which one is right or wrong. The question is the intent of the motion.

So, Madam Speaker, from where I sit, if the government's position is let us do a review, let us within 90 days prepare definitive plans to show that we are trying to take a grip on the problems that exist and we wish to move forward, that is fine. On a personal basis, I would hope that's the direction in which we are moving. But confining the argument to the motion at hand and the amendment at hand, I hold the view that the amendment takes away the intent of the motion. The truth of the matter is regardless of what words are used, it is not up to the government or me to decide what the mover and the seconder want in the motion. Where that counts is when I cast my vote or whoever else casts his vote.

That's the way I see it, Madam Speaker, unless I am reading the whole picture wrong. I have not been around as long as everybody else, but I believe I understand it. I cannot agree with the way it is coming forward because I understand what has been said and I understand what the intentions are. But confining the argument to the position of the motion and how it will end up if the amendment is agreed upon, then, certainly, if that was the intention of the mover and the seconder of the motion then they would be amenable to it. Obviously, they are not amenable to it because they do not agree with changing the motion to say what it says.

It will have to go to the vote. I simply have tried to apply some logic to the arguments that have been put forward. Thank you.

**The Deputy Speaker:** Does any other Member wish to speak to the amendment to Private Member's Motion No. 5/2000? (Pause)

If no other Member wishes to speak, before I call on the proposer to wind-up, I think this will be a convenient time to take the morning break. Proceedings will be suspended for fifteen minutes

**PROCEEDINGS SUSPENDED AT 11.19 AM**

**PROCEEDINGS RESUMED AT 11.39 PM**

**The Deputy Speaker:** Please be seated. Before I call upon the Honourable First Official Member to reply, honourable members, Private Member's Motion No. 5/2000 and the amendment were approved by the Honourable Speaker on 25<sup>th</sup> February and have been circulated for some length of time.

Amendments and amendments to amendments can be made in accordance with the provisions of Standing Orders. Therefore, if no other Member wishes to speak at this time to the amendment, I will now call upon the Honourable First Official Member to exercise his right of reply.

**Hon. James M. Ryan:** Thank you, Madam Speaker.

There have been a number of speakers to the proposed amendment which I circulated and moved this morning on Private Member's Motion No. 5/2000 as captioned, Concerns with the occurrences at Northward Prison.

One speaker mentioned that there is the need for a plan for Northward Prison, not a need for a review but there is a need for a plan. I have already called for a 3-year business plan for Northward Prison, which I have previously promised I would Table in this Honourable House. I believe that there is a need for such a plan. I do not believe this Honourable House has had any real plan on what is proposed for Northward Prison and I believe such a plan is timely.

My amendment calling for a review of the policies will tie closely with the third resolve section, which will require the Government to Table in this Honourable House within 90 days its plans for both the physical and rehabilitative reforms of Her Majesty's Prison at Northward including the timetable for the implementation of such reforms.

Madam Speaker, the first resolve section of this Private Member's Motion (and I will read it just for clarity): **"BE IT RESOLVED that the Legislative Assembly record its concerns with the occurrences at Northward Prison which led up to the events of Thursday 30<sup>th</sup> September, 1999 and Friday 1<sup>st</sup> October, 1999."**

This gives members a chance to express their concerns over these occurrences and matters that resulted from those occurrences. I do not believe that the second resolve section which calls the Legislative Assembly to register its concern over the lack of coherent policies is serving any useful purpose. There is no proof that the policies were incoherent or lacking in coherence. The problems at Northward Prison, in my opinion, did not stem from a lack of policies.

The report by Sir Stephen Tumin recognised that the main cause of the problem was over-crowding and that it is not the lack of policy, that it's simply the lack of providing of physical space at Northward Prison.

It was also raised that my proposed amendment was *ultra vires* the motion. Madam Speaker, I do not accept that as the case. I believe that my amendment will allow and will dovetail straight into the third resolve section, that is, the call for the tabling of plans, both physical and rehabilitative reforms of Northward Prison. I believe,

therefore, that it will accomplish what the motion is setting out to do, to ultimately get a plan on the Table and to the public showing what we are going to do and, in fact, what is now being done at Northward Prison.

Madam Speaker, while I regret the occurrences that took place at Northward Prison on 30<sup>th</sup> September and 1<sup>st</sup> October, the fact is, they happened. The only thing to do when such things happen is to try to learn from the mistakes of the past and not to let them happen again. I believe that lessons have been learned at all levels and many innovations have taken place at Northward since those occurrences (30<sup>th</sup> September and 1<sup>st</sup> October). As I said earlier, a business plan is now being worked on.

It's in the draft stages and will be coming to this House to be laid on the Table in the not too distant future. This will give members of this Honourable House, the picture of what Northward Prison is about, what is going to be done this year and for the next three years. It will also give members a chance to express views on things that they may feel need to be amended in that. And there will be that opportunity, I believe, to draw on the various individuals and their experience in this House to make that business plan the very best we can provide for the facility.

So, Madam Speaker, I believe that my proposed amendment will make this motion a better motion and in the interest of this country in the long term I believe that it will accomplish at the end of the day what this House really wants—that is, to have a penal facility in this country that works and will keep inmates locked up and will rehabilitate them.

I ask for all Honourable members support for my amendment. Thank you.

**The Deputy Speaker:** The question is that the amendment be made. I shall put the question. Those in favour please say Aye. Those against No.

**AYES and NOES.**

**The Deputy Speaker:** The Ayes have it.

**Mr. Roy Bodden:** Madam Speaker, can we have a division, please?

**The Deputy Speaker:** Certainly, Third Elected Member for the district of Bodden Town. Madam Clerk.

**The Clerk:**

**DIVISION NO. 1/2000**

**AYES: 9**

Hon. James M. Ryan  
Hon. David F. Ballantyne  
Hon. George A. McCarthy  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. John B. McLean  
Hon. Anthony Eden  
Hon. Julianna O'Connor-Connolly  
Mr. Linford A. Pierson

**NOES: 5**

Mr. W. McKeever Bush  
Mr. John D. Jefferson, Jr.  
Mr. D. Kurt Tibbetts  
Dr. Frank McField  
Mr. Roy Bodden

**ABSENT**

Mr. D. Dalmain Ebanks  
Miss Heather D. Bodden

**The Clerk:** Nine Ayes; Five Noes.

**The Deputy Speaker:** The results of the division: Nine Ayes, five Noes. The amendment is carried. The motion stands amended accordingly.

**AGREED BY MAJORITY: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 5/2000 PASSED.**

**The Deputy Speaker:** Debate now continues on Private Member's Motion No. 5/2000, as amended. The Third Elected Member for district of Bodden Town.

**Mr. Roy Bodden:** Madam Speaker, sometimes it is difficult to be a democrat. I would like to now try to make some sense out of the motion as it has been changed and amended. I wish to begin by saying that anyone who believes that the events at Northward Prison, which occurred on 30<sup>th</sup> September and 1<sup>st</sup> October 1999, can be viewed in isolation, is ill informed and certainly unwise.

Madam Speaker, those events had their genesis in matters that occurred a long time before the culmination in what has come to be widely accepted as a prison riot. I vividly recall spending much effort in conjunction with other honourable members trying to impress upon the government and government in the widest sense of the world that we needed to take stock of what was and indeed still is happening in the society.

Our society is undergoing a transformation and numerous questions have been brought by myself and other members as well as a number of motions that I will have reason to briefly refer to as I develop my position. That the society is changing is clearly evident when we see the kinds of offences being committed. As a result of that, it is necessary for the authorities to modify their position in dealing with incarceration because that is what the motion is focusing upon.

There are those of us who have been trying for some years, using the mediums and the forums we are able to access, to let the government know that these matters were matters which needed not only attention but needed addressing. One of the reasons why I was reluctant to go towards the review is that we have had a catalogue of reviews concerning Northward Prison. Perhaps the most outstanding to-date is the report to His Excellency the Governor of an inspection of Her Majesty's Prison, Northward, Grand Cayman in April 1994 by Her Majesty's Chief Inspector of Prisons for England and Wales—a report to which I will find it necessary to make comparative references.

I have found from my position that one of the fundamental shortcomings in this whole business of Northward Prison is that there was clearly a lack of a definitive role as to what purpose Northward Prison should serve. I want to draw reference to a mission statement of 1990. That mission statement reads, **“To comply with the**

**written instructions of the courts or executive orders relating to persons 17 years or older to protect the general public and to provide rehabilitative and vocational training of inmates to return these persons back into society so that they will abide by society's code of conduct and social standards and also contribute meaningful manpower skills."**

Madam Speaker, I want to say that since that time there has been no significant variation of the mission statement. I want to use this as a starting point to say that what has not happened is that there has been no realisation, no following of the trends which have brought people to prison and which cause an inordinate amount of recidivism.

The first point I wish to make is that there should have been some revision of the mission statement because clearly the trends are changing. We are being faced with a growing number of younger inmates, who are more intelligent, more street-smart, and who seem intent on introducing a culture of hatred and violence.

Now, it is interesting to compare a document from the Foreign and Commonwealth Office publications, entitled, *Justice and the Law*. This document was prepared in 1993. In Britain, there is a clear and distinctive categorisation in the mission statement of what the prison services are supposed to achieve in the United Kingdom—firstly, by categorising prisoners.

I have said on numerous occasions in this very Legislative Assembly that we have been making a serious error by housing juveniles in the same facility that we house older prisoners; that we have been making a serious mistake in housing people who are young drug offenders on the same compound that we house persons who have a criminal record of violence. That is a college campus where the young are taught things that they don't know and things which are inimical to the interest of peace and good order in the society.

**"In England, Scotland and Wales [and I am quoting from page 35 of this document] sentenced prisoners are classified into four groups for security purposes [and this is in the mission statement]. Category A, for those whose escape would be highly dangerous to the public, the police or the security of the state. Category B, for those for who escape must be made very difficult. Category C, for prisoners who cannot be trusted in open conditions, but who do not have the will or resource to make a determined escape attempt; or Category D, for those who can be trusted to serve their sentence in open conditions."**

And it goes on, Madam Speaker, **"The government's main priorities are to: improve necessary security measures, recognise the status and particular requirements of convicted prisoners, provide active and relevant programmes for all prisoners, provide a code of standards for prison conditions and the activities, improve relationships with prisoners including a statement of facilities for each prisoner sentence plan, consultations and reasons for decision and in overcrowding."** There, Madam Speaker, I end my reference for now.

Now, I want to make it crystal clear from the beginning that this motion really is not about levelling any blame. But I want to say that when the prison was constructed, Caymanian society was ill prepared for the kind of prisoners that we would be housing. As a consequence of that, the prison is constructed with no wall because one could hardly classify a transparent chainlink fence as a wall, and no observation towers. Now, Madam Speaker, it is virtually impossible to find any prison (except, of course, those prisons falling under the category of minimum security or no security at all) without a containing wall and without guard towers or observations, as we call them.

Add to that the fact that the prison was in the centre of a growing and striving community. So we made the first error by constructing a prison—which was really not a prison—in the midst of a growing and striving community. I suppose it could be classified more as a prison/farm. But that was not wrong at that time. What was lacking was the vision that we would have come to this point now where we have a different breed of prisoner necessitating different physical surroundings and conditions. So, we have failed to keep up with the times and then we have compounded that by housing among these prisoners the mentally incompetent and the mentally incapable—those persons who by virtue of some kind of mental problem are incapable of dealing with themselves.

If I wanted to embarrass the government I could embarrass them because all I would have to do is get on the internet and tell the United Nations that we in the Cayman Islands are housing mentally incapacitated people where we have hardened criminals and lifers. Believe you me, it would be an embarrassment of significant proportions because nowhere else in the civilised world is that done.

And then to further compound the situation, for years we have held female prisoners on the same compound—a formula for disaster. Somebody should have seen that. Whether we are going to accept the collective blame, or whether it is an individual shortcoming, I am not here to say. But the events of 30<sup>th</sup> September and 1<sup>st</sup> October 1999 tell me that history and posterity have recorded it negatively.

Now, I agree with the First Official Member that we have to learn from these things. I am all in favour of learning. But let us be sure that we learn, that we are not like Sisyphus, and have to continue to roll the stone up the hill only to have it get out of our control and roll back down to the foot and we have to struggle.

Recent prison breaks do not exactly instil confidence in the public. It does not! I hear what people are saying. And it is a good thing that the prisoners really are not bad, are not violent, because with the spate of escapes who knows what the state might be. But, by the same token, the state must accept that it has a responsibility to safely and securely contain the wards so that the wider society does not in any way have to be inconvenienced or feel insecure; while at the same time, treating the wards and the prisoners in a way that does not strip

them of their dignity but reminds them that they have to pay a debt to society. Therein is the crux of the motion because that is what is lacking.

I have said, Madam Speaker (and it's on record), that the prison is nothing but a warehouse where they go and serve their time—no sense of purpose, and a lack of positive rehabilitation programme. Some people in the past went there when they should have been in some counselling institution environment. They are lost! because the purpose for them being there was not necessarily punitive but should have been of a medical or psychological nature. So, these are things that I am talking about and this is what I want to highlight and draw to the government's attention so that this matter can be corrected sooner rather than later.

Madam Speaker, in researching this, I spent the better part of yesterday afternoon reading and re-reading old motions and old debates, and reviewing questions. There were umpteenth questions raised by me, plus those raised by other members, which should have served to let the government know that something needed to be done.

Do you know what disappoints me about this whole business of us coming to the Legislative Assembly, backbenchers moving motions and the government replying? What is disappointing is that too often, what happens is appeasing. Too often what happens is that we are so concerned about being made to look bad that we cannot accept the efficacy and the grounds on which the efforts were being made in the first place. It is not made, Madam Speaker, to make me look good. I have no ego to stroke—absolutely none, believe you me. And I will be the first one to tell you that I am trying to be a politician, but it is not about ego, Madam Speaker. I do not have to come here to know that I can perform.

I have been here now twelve years stuck in one position on the backbench. So, it is not about ego and about me trying to outshine or let anybody else look bad. It is because I have an interest and a responsibility to represent the people who put me here to the best of my ability and by doing things like this, I am taking care of their interests.

Madam Speaker, I have to tell you that for the first time in my life . . . I am not someone who scares easily, but I have been scared on a number of occasions with events and occurrences as a result of prison breaks. I can recall nights I didn't sleep well because I have a family to protect. I have a responsibility to my community, I hear people saying things. I sometimes have to call people to say, *'please be careful, I know you like to walk, I know you like to jog, this may not be the time to do that.'* That is the reason I am doing this, Madam Speaker. If I wanted to get into the business of making people look bad, I would start up a newspaper.

So, Madam Speaker, these are the things that we need to address. I want also to say that I feel hurt because suggestions are made with the best of intentions, pledges are given but nothing happens. I asked the government to try to organise some little survey to find out, particularly among younger prisoners, what kind of mar-

ketable skills they have, where we need to go because we have to find a way to curb the recidivism.

The government said they were going to do it but nothing has happened yet. That was a long time ago. I remember these things, you know. I want to say something too: I don't drink liquor so anything I say up here is not drunk talk. I remember what I say, I have a very good memory. And I remember the government's position and I have to say, barring none, there is no greater researcher in here than Roy Bodden. I can go back and tell honourable members what they said from the time I came in here in 1988, when the necessity arises. I mean nothing has been done!

So, now I cannot have any confidence in another review—I cannot! because I have a catalogue of them inside here and some of them are complaining that they made recommendations in the last review that were not implemented. The problem as I see it, is that we have to come to grips that the society has changed and is changing. If we want to effectively address the problem of the prison rehabilitation, we have first to decide what purpose is our prison going to serve. Is it going to be purely punitive, where we punish the inmates? Is it going to be rehabilitative, where we concentrate on restoring them to a position where they can be productive members of the society, or is it going to be a combination of the two, or none of those mentioned? That's the first thing we have to do.

And in order to do that we have now to come to the position where we have to categorise our prisoners because . . . I am not a judge, Madam Speaker. I don't want to set myself up as any judge. I have to struggle enough with trying to contain myself. But it seems to me that there are people bordering on what I would call incorrigible—unable to be reformed. Well, if we have those, then we have to decide how we are going to contain them and what kind of social parameters are we going to set for them. Is it right for them then to mix with those we are trying to rehabilitate and reform? Irrespective of whatever category they fall in, we have to give them an opportunity to rehabilitate and to come to terms and to come to grips with their failings. So, we have to strike up some kind of philosophy behind what our prison is supposed to do.

Now, I don't want to rehash any old debates, but I have to this is an arena in which people who philosophise and who try to apply social knowledge and sociology and social experience get laughed at. Their ideas get shot down and seem to be of little or no worth. But I say that those are the very people that we have to learn from because you cannot take away from someone what they have learned under those circumstances and conditions. The least we can do is be courteous to what they are suggesting. But it goes further than that.

Recently, the First Official Member went to visit a prison but he didn't ask the Fourth Elected Member for George Town—who is a sociologist—to go. I don't want to say that he didn't ask me because I have no axe to grind. I don't care. I was glad he didn't ask me. But I find it difficult to see that we have this kind of knowledge and

idea . . . let me put it this way: I am not in the business of having people agree with me. I relish disagreement. But if someone disagrees with me they had better be prepared to defend to the umpteenth degree their position because I am not going to wilt up, cave in, and yield to them. So, I would welcome a divergent thinking. I would welcome someone who's ideas are different from mine because I would take their position, use it to bolster my own position, and if I thought that my position was weak I would be the first person to say, *'you know, I would like to take on board some of your ideas'*.

There is a word in sociology called "co-opting" because when you do that to those kinds of people, it neutralises their position. If you take them on board then what can they say? They certainly cannot come and say, *'well, sir, your position was indefensible, it didn't make sense, it was illogical. Well, you are talking about yourself, sir, because remember you were a part of this exercise, so what now?'* This is the weakness in the government where things could go a lot smoother, where they could benefit from ideas from persons on this side of the Honourable Legislative Assembly on many occasions. But I suppose adversarial politics and the necessity to one-up people makes that kind of position impossible.

I look forward, Madam Speaker, to the day when members are sufficiently mature as to realise that even on this side there are people with ideas that can be used. I hope, Madam Speaker, that day comes on 8<sup>th</sup> November 2000, because if I am among that group, I will remind them that it is time to change the *modus operandi*—to change the operating style and to recognise and listen and to pay respect and credence to good ideas irrespective of what circles they emanate from.

So, we have an opportunity when occasions like this arise to take people who have some ideas to offer. But you know what happens? I will tell you what happens, I have it recorded right here in these *Hansards*. There is a certain gentleman who gets up and says when your ideas differ, that you are bashing the prison and the police service. Let me read it. I even have them in chronological order.

From the *Hansard* of 2 December 1993, **"Madam Speaker, one other area that I would just like to mention is that what would probably help is, rather than, for example, the First elected Member for Bodden Town constantly questioning and nearly, sometimes, harassing the prison establishment and the police, that if there were some kind words of some sort that there are good people within the different areas of these departments and perhaps assisting them and assisting the Members of this Honourable House with trying to deal with problems of crime."**

On 11<sup>th</sup> November 1994, **"What would be more helpful, instead of the constant criticism of the police and the prison, which seem to be pet subjects of the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town, is if they would spend their time construc-**

**tively trying to help the police and trying to help the prison officers."**

Madam Speaker, when you bring motions like this, what are you constructively trying to do? Tell me! When you bring motions like this, what are you constructively trying to do? When you ask questions about the operations, when you try to find out reasons why decisions were made, what are you constructively trying to do? Certainly, if you wanted to be destructive, you could have been libellous by levelling all kinds of charges and participating in all kinds of unlicensed accusations and doing all kinds of stupidity.

Madam Speaker, it seems to me that some people misguided their sense of democracy. I, Madam Speaker, can only speak for myself. I, the Third Elected Member for Bodden Town, was not elected to agree with anyone; I was elected to represent my constituents. And if that means expressing disagreement on positions taken by the government, by Jove, that means that is what I have to do. And I have never flinched from doing that. So, much so that people tried to castigate me by saying that I opposed for the sake of opposition. Be that as it may, I survived that election. I am still here. I don't believe that I have been unreasonable.

I brought a motion here in 1994 calling for a debate on the report of Her Majesty's Prison Inspector. The government chose to have the then Honourable Attorney General get up and say that they were not debating the motion. Now, I want to find out if that was constructive? I want to find out if they had no comments to make on a report that was handed to them? I would like to find out if that was constructive? Democracy and the essence of democracy—Madam Speaker, I have studied it from its emphasis empirically on Athens.

The essence of democracy is that people hold positions based on what they can defend and based on what they believe is right. It has nothing to do with persons agreeing for the sake of agreement. I contend it is not healthy if persons just accept all the time without trying to question, without trying to reason, without trying to derive the logic for certain actions. Certainly, Madam Speaker, it goes against the grain of all that I was taught and it goes against the grain of all that I think about.

But, you know, I am reminded of the Roman Council, Marcus Cicero, who in his fifth book in the *Tusculam Disputations* said that "in the face of talent, public opinion is scornful and can be summarised as, 'let those among us who wish to excel, excel somewhere else.'" So, instead of recognising people's contribution, often the people get put down.

I believe that had we been more understanding, had we taken a different approach, we would not now have come to this position. That it is necessary for us to vigorously pursue this position is demonstrated in the fact that there have been too many failures following one upon the other. This motion is not about levelling criticism individually or collectively. The motion is about getting to the crux of the problem and collectively trying to solve it for the benefit of the country, present and future.



Madam Speaker, many people are going to try to argue that the problem stems from overcrowding. Well, I suppose that is a problem that cannot be completely refuted, but I want to say that there is not a functioning prison anywhere in the civilised world which does not suffer some degree of overcrowding, for prisons are not meant to be hotels or private dwelling houses. One of the deterrents is the fact that you are stripped of certain privacy. That is one of the deterrents. You cannot expect to go to prison and have a bathroom completely to yourself or a bedroom or a livingroom. One of the deterrents is that your space has to be cramped because prison should serve . . . at every moment of your thinking you should come to the realisation 'I do not belong here.'

That is the message successful prisons send from the time you pass the first gate that is clanked shut, you are jolted—'I have left freedom behind.'

Madam Speaker, honourable members would do well to watch *The Shawshank Redemption*, *The Green Mile*, and *Hurricane*. You want to know what prison life is? Watch those three movies. If you think prison life is any picnic, watch those three movies especially *The Green Mile* and *The Shawshank Redemption*. That gives an idea of what prison is. It certainly is no picnic.

So, I am not an advocate of overcrowding. I certainly would not advocate a prison system like they have in Brazil, where prisons that are built for 1,200 people have 5,000 to 6,000. But I am saying that one of the shortcomings is that you have to share your space.

Madam Speaker, I had the unpleasant opportunity (in a course called "A Sociology of Deviance") to visit a prison in Montreal, Archambault, an infamous prison built in 19<sup>th</sup> century Montreal—dark, grey, depressing, discouraging. I talked with some inmates, people doing hard time, real criminals. Madam Speaker, that was years ago in the seventies. I am sure that conditions have not significantly improved. That was not a good life because if you can imagine Montreal and prisoners who had to get by in the cold Canadian winters with a minimum of heat . . . there wasn't any of this business about *please assemble its meal time*. Burr—one push of the buzzer and everybody smartened up because the next move was they heard the click and the electronic gate unlock. They had to stand out in front of their cell because when the wardens passed, it wasn't any business about gentlemen its mealtime. I was jolted, Madam Speaker, because the only operations I had seen like that is how people herd cattle.

These people were conditioned—they move on signals, because if they lagged behind, and especially if it could be any interpretation of obstinacy, ah, believe you me, you did not wish to be caught in such an unenviable position.

So, Madam Speaker, there is need for some kind of philosophy. I am not saying that I condone that, but one has to understand that there has to be a system. From the time you get in you are stripped of any civilian identity. Anything that reminds you that you had the dignity of a free person—no watches, no rings, no excessive jewellery, no civilian clothes.

Madam Speaker, I look forward to the time when we can have established clearly set out, rehabilitative programmes, where we can stream prisoners. We can identify their strengths and route them for training and re-education, which will be of benefit to them when they come out to the wider society. But we have a lot of work to do. And I want to say this: one of the things we have to work at in tandem with this proper rehabilitation and re-education is we have to change the attitudes of persons and businesses on the outside to the point where they are willing to give those whom the state has deemed to be rehabilitated and reformed a chance to recoup their dignity, pride, and their sense of self-worth. That is a serious problem; a serious handicap that we have.

So I am also saying to the government that any effective rehabilitation must also be in tandem with efforts to change the thinking of the society, so that these people can be given a chance to redeem and rehabilitate themselves. When someone pays their debt to society, when they are released from prison they come out with a clean slate, they should be given every chance. I have said this in here before from as far back as 1994 when I outlined successful programmes operated by the state of Massachusetts and also one in California. We have to get into the halfway house business because you cannot have people locked away for five to ten years and then put out cold turkey on the streets—they cannot function especially if they come from an environment where they were strictly and rigidly supervised.

We have to begin by ensuring that they can walk without wobbling or falling. We have to lay certain conditions on them in preparation for full freedom; otherwise, we have the problems that we have now with an outrageous rate of recidivism. It's a psychologically and sociologically proven fact that people who have been locked away for a long time develop a dependence on that kind of environment, outside of which they cannot function independently. I asked them why they go back to prison and they said that they couldn't function out here because at least in there they knew what time was mealtime. They knew what they had to do; they knew when they had to get up when it was shower time and they had developed a dependence on that kind of existence and when put to fend for themselves they cannot make it.

But, Madam Speaker, I am inclined to be hard because . . . I have my old *Hansard* here. I said all these things in a debate. I talked about programmes where people earned degrees. I talked about a programme in California based on an Editorial that I got out of *The New York Times*. Madam Speaker, it must have been as far back as 1994, but I will tell you the exact date—March 20, 1994, a programme called "Delancey Street" operated in California, a halfway house where convicted and violent felons had successfully been reformed. But I am not surprised, because there seems to be little or no interest in what some people have to offer.

That is one of the reasons why I am disillusioned with politics and sometimes I am inclined to say that I am almost wasting my time. I suppose the same could go for

other honourable members as well. I sometimes wonder if it makes sense to be conscientious and diligent in this forum.

Madam Speaker, I would want to say a couple of other things . . . and one of the shortcomings that I see is that there needs to be more open communication in terms of what the government plans to do, the direction in which the government is going, generally. But specifically in this case, and particularly as it affects something as important as the security of the state and members of the society having a sense of well-being, the *Cayman Compass* in an Editorial on Wednesday, 2 February, captures the problem. The Editorial was entitled "Information for the Public," and I will read the last two paragraphs.

The penultimate paragraph begins, **"There is a high level of legitimate public interest in developments at the prison. There could have been a press conference to make the announcement that decisions had been made following last year's riots and the subsequent experts' review."**

**"When members of Finance Committee came to deal with future expenditures of the prison, they and the public at large should already have been familiar with what the current thinking was among those responsible for operating the prison. The MLAs might even have had time to think about it before giving the nod to the proposed expenditures."**

And the following day, which was Thursday, 3<sup>rd</sup> February, the Editorial went on to say, in the fifth paragraph from the end, entitled "Prisoner Rehabilitation," **"Low self esteem and an accompanying sense of being rejected by mainstream society is common among prisoners. The accomplishment of successful acquisition of knowledge and the mastering of skills is likely to improve their self-image."**

**"Education and skills training should help prisoners better understand how society functions and how they can find a legitimate place in it."**

**"Skills that will help them find employment after they are released will, at least, give them the option to scuff at illegal activity. Social skills will ameliorate the feeling of being outcast."**

**"The aim of imprisonment is far more than punishment for a wrong committed. It is more than taking a criminal out of circulation for a while. Imprisonment must encourage inmates to change and to seek to become useful members of society."**

**"Programmes and policies designed to lead towards rehabilitation must receive the unstinting and tangible support from the whole community."**

So, Madam Speaker, the *Caymanian Compass* is substantiating the position I took earlier that for the programmes to be successful there has to be community wide support and acceptance. But there also is a need for the government to be more consistent and to be more forthcoming with the moves it plans to make. Therein lies one of the basic shortcomings of how we operate the system and run the country because often, whether it is real or imaginary, government for whatever reason seeks

to keep and make certain moves and take certain decisions in strict secrecy and privacy.

Madam Speaker, I have always contended that that does not bode well for democracy and certainly it goes against the grain of freedom of information. I take this opportunity to remind the government that they have accepted that motion. I think it bodes well for one and all when decisions are taken and made public. We are not unreasonable, Madam Speaker, certainly not honourable members in the House. We don't expect the government to be able to tell us everything because we recognise that there are certain matters which, for matters of security, have to be kept confidential. But certainly the broad outlines or reasons why a position is taken or is going to be taken . . . it is reasonable to publicise that and it is understandable when people question. To do otherwise is to invite suspicion, innuendo, or worse. And heaven knows, although there has been a lot of road paving, there is still a significant amount of marl road.

So these are improvements which the government can take to make the system more understandable and, by the same token, gain the confidence and the support of the public, who, when they are apprised of what is happening, will be convinced of the rightness and the soundness of such policies and will go along. And, it gives the government reason to take credit for being transparent and accountable.

Madam Speaker, I believe that it is high time, some would say it's past the time, that the government arrived at the position where it tells us what the expected developments regarding Northward Prison in as practical and concrete terms as possible is going to be. It would be interesting to see what figures the census is going to bring as to our total population in these islands. But the fact that there are those people who believe that crime is on the increase certainly places the government in a position where it must, if it is going to sensibly manage and maintain peace and good order in the society, arrive at some kind of philosophy as to how the prison system is going to evolve.

I would be happy to see the kind of system where the persons who are returned to the society, return with skills they can use, including social skills because a lot of young offenders especially suffer shortcomings in their literacy skills, and skills which can be marketed constructively. I also believe (and this was the strength in what was proposed some years ago when there was a proposal to have a national commission on crime and violence) that we also need to come to grips with what are the causes of crime. Is it a social cause? An economic cause? Is it caused by a breakdown of the family? Is it caused by a failure of some other societal institution? We need to know these things in order to effectively address and craft the kind of rehabilitation programmes that are going to help.

If it is caused from a breakdown of the family or some other important social institution then at the same time we are offering rehabilitation programmes we have to strengthen these institutions which demonstrate inherent weaknesses.

That brings me to the point, Madam Speaker, of why we have failed in the past. We have not taken a holistic approach. We are trying to address only one area, that is, the area of imprisonment. But we need to take a broader view of what is happening, because if you are going to rehabilitate people and then put them back in the same environment—the same family, the same institutions . . . that begs for recidivism, and we have to be prepared for that. So, you cannot treat imprisonment in isolation to all these other factors.

We have a significant (in my view) shortcoming and disadvantage because the Cayman Islands is small. In areas of much larger and wider geographic jurisdiction, it's easy, they can transplant persons. We can transplant them to get them out of old company, old haunts, but we have significant limitations here, people usually have to return to the same neighbourhood. So the government has to find a way to take a holistic approach and work with those social agencies in the society, including the churches, when persons are rehabilitated. That is why, Madam Speaker, I have argued in this house time and time again that we have to bolster, and we have to support, and we have to strengthen other social agencies in the community.

I don't necessarily believe that the burden should be on the state. So, if the state is in the business of imprisonment and rehabilitation, when the persons come, there must be other agencies working in tandem with the state to ensure that they continue on the road to rehabilitation. The halfway house and the other social agencies must get active, job placement agencies, the churches—otherwise if we take an isolationist approach the problem will not be effectively addressed.

Finally, Madam Speaker, we have to bite the bullet. We have to realise that our society has changed in a way where our incarceration facilities as they now exist cannot offer adequate protection and security for some elements of the prison population and the society. It is unfortunate but it is true. We have to build a "real" prison. We have to contain it within a wall with a perimeter, maybe even with towers for some people because we don't want to convey the impression that people can get out as and when they wish; that they can exploit the environment, that they can exploit the physical surroundings and put the rest of the society at risk.

It is as much for the safety of the inmates as it is for the safety of persons in the wider community because illegal escape is fraught with risks for all parties because people can lose their lives in the escape attempt. They can come to a confrontational situation where there are misunderstandings and people have to defend themselves or people think that they are at risk. It's in the interest of the state to realise this because ultimately the state is responsible for the persons whom the court has deemed wards of the state.

**The Deputy Speaker:** Honourable Member is this a convenient point to take the luncheon break?

**Mr. Roy Boddén:** Yes, Madam.

**The Deputy Speaker:** Proceedings will be suspended until 2.15 p.m.

#### PROCEEDINGS SUSPENDED AT 12.50 PM

#### PROCEEDINGS RESUMED AT 2.45 PM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 5/2000 as amended. The Third Elected Member for the district of Bodden Town continuing his debate.

**Mr. Roy Boddén:** Thank you, Madam Speaker. I would like to bolster my argument for societal support and assistance to the government by referring to an article I read in the *Caymanian Compass* of some days ago, in which Magistrate Margaret Ramsay-Hale was addressing an association of businesspersons. She called upon them to display some, what I would term, social responsibility and a sense of social obligation by providing opportunities for rehabilitated persons released from prison to find gainful occupation. Madam Speaker, this is important when viewed in concert with the other efforts that have to be made, as I remarked prior to the luncheon suspension.

I would like to move on now and touch on a few other matters. We have (the government, that is) has proposed that it wishes to build a \$10 million juvenile remand centre. I have some problems with this because I have to query: If you are going to spend \$10 million on a juvenile detention, how much are you going to spend to prevent matters from reaching this stage? I am not saying that there is anything basically wrong with building a juvenile detention centre, but I am saying that I for one would be happy to see simple efforts being made to prevent and to contain the problem before it reaches the level where we have to spend \$10 million to build such a facility. On these occasions I am always drawn to refer to Gresham's Law, where work expands to fill the time. Similarly too, prison space and detention space will expand to fill the number of young people. So, we have to be careful that we don't be getting into a cycle out of which we cannot easily come.

I reiterate my position that we have to treat the problem holistically, that is, look at all aspects of it from the societal breakdowns to the failure of the family, to the failure of other institutions in the society rather than seeking to address just the top. So, to this I add that the best efforts will be concerted efforts that will not only involve one ministry or one department, but span the spectrum perhaps of the whole government, the relevant government ministries and departments as well as the private sector down to and including the churches and other such organisations in the society.

Madam Speaker, before I conclude, I want to return to some current operations which are in need of improvement at the prison. I want to reiterate the necessity for adequate and specifically constructed physical space

so that these operations can be carried out as they should be carried out. One has to do with this whole business of prison visits and the association, the mixture, and the meeting of elements inside the prison, namely, the prisoners and those persons held on remand and visitors from the outside, whether those visitors are their family or merely well-wishers.

It is of crucial importance that we have physical facilities in which such meetings can take place that are secure, which offers some modicum of social control and which allows for the prison authorities to easily come to grips with any situation that may occur. But even more important than that, there is a need to have an area where prisoners and their visitors separately and exclusively can be thoroughly screened and searched.

It seems to me, Madam Speaker, one of the problems we have at our facility here (and it's a universal problem) is . . . we have to successfully prevent contraband from passing between those who are incarcerated and from those who come to visit them. So, this is sometimes unpalatable, but it is difficult and it is a way of life because when one has put oneself in the position where one is deprived of his freedom because of a crime against the society, one has to prepare for this. I have to say that it is rather unfortunate, but it is a fact of life. Prisoners have to be prepared to subject themselves to a loss of privacy because they have to be thoroughly searched before they can mix with their visitors. Similarly, the visitors must be prepared to go through some screening process.

In some institutions, Madam Speaker, I can assure you it is most humiliating and sometimes dehumanising. But that is the price to pay when you commit some crimes, because the government, the state, the authorities, have to be concerned that absolutely no contraband, whether it be in the form of cigarettes or whatever, or it be in the form of—worse yet—weapons, can pass from one element to the other and threaten the social order and the institutional peace. We need a facility that offers the authorities and the staff that kind of scope for that kind of comprehensive screening.

Madam Speaker, I am sure that there are those who will find this objectionable, but in the interest of security it is reasonable to expect these kinds of occurrences and in the long run it will work out for the safety of all concerned.

The final point I wish to make on this is that we also have to keep abreast of trends that are happening in other societies, particularly those societies with which we have close links. In this case, I am speaking of Britain. I read in my contribution to the Throne Speech recently that the Home Secretary, Jack Straw, has been approached by a semi-official agency of the government towards taking a softer line on what they called soft drugs, such as marijuana. Well, in this week's *The Economist* magazine, Jack Straw, while not declaring any official position, was again approached about arriving at a position of depenalisation, where conviction for the drugs (marijuana and ecstasy, that is, simple possession of these drugs) is called into focus.

I am sometimes fearful that what is happening in the Caymanian society can lead to what the sociologists call the criminalisation of the society, by placing people in prison for offences that may better be served as community service orders or this type of service, or custodial sentence particularly where young people are involved and where our facility is not such that we can keep these persons adequately secluded from persons who may be older, more hard-lined and more experienced in the criminal subculture.

I want to say that I hope with the announced intention of the development of different if not new physical facilities comes a different philosophy and approach—an enlightened approach that takes into consideration the whole spectrum and treat not only the symptoms but make an attempt to address the problems.

The government has got what it wants and what it is comfortable with by virtue of the amendment brought by the Honourable First Official Member. I believe that I have done my part by outlining what I see are the weaknesses, making some suggestions as to what could be done to remedy the situation. The ball is entirely in the court of the government. I shall, Madam Speaker, continue to exercise my responsibility by saying that we on the backbench have an obligation to bring shortcomings to the attention of the government and, where possible, suggest alternatives or suggest improvements.

We have done this. We are not in any position to articulate policy, to define the direction in which the government should go or must go, but we are merely purveyors and promoters of what we see should be improvements and alternatives to paths currently taken.

I hope, Madam Speaker, that my contribution is accepted as impersonal, intended mainly for the edification of the government. It is rather unfortunate that we are at the level where there is no sophisticated machinery that such ideas could be articulated from the position of a party platform because I think it would carry much more weight than by an agglomeration of individuals. But, Madam Speaker, you know, I live in hope, and perhaps in my political lifetime (as limited as that may be) we will come to that point of sophistication in Caymanian politics where we have an organised opposition rather than an agglomeration of individuals. Thank you.

**The Deputy Speaker:** Does any other Member wish to speak? The Honourable First Official Member.

**Hon. James M. Ryan:** Thank you, Madam Speaker. I rise to speak on behalf of the government to Private Member's Motion No. 5/2000 as amended. I would like to begin by reading the motion for clarity. It says:

**“BE IT RESOLVED that the Legislative Assembly record its concerns with the occurrences at Northward Prison which led up to the events of Thursday 30<sup>th</sup> September, 1999 and Friday 1<sup>st</sup> October, 1999;**

**“AND BE IT ALSO FURTHER RESOLVED THAT the Legislative Assembly recommends that there be a review of the policies regarding prisoner rehabilitation, the administration at Northward Prison and the**

development of secure and effective facilities of incarceration in the Cayman Islands;

**“AND BE IT FURTHER RESOLVED THAT the Government lay on the Table of this Honourable House, within 90 days, its plans for both the physical and rehabilitative reforms of Her Majesty’s Prison at Northward, including the timetable for the implementation of such reforms.”**

Madam Speaker, the disturbances at Northward which led eventually to riots and major destruction by fire on 30<sup>th</sup> September and 1<sup>st</sup> October 1999 is not something that anyone can be proud of. While there are those of us who from time to time express the view that there was the potential for a substantial unrest, I believe the majority of persons in this country were totally taken aback and stood in absolute shock as we watched either by looking out our windows or watching CITN what transpired.

I went to Northward Prison a little before 5.00 on the evening of 30<sup>th</sup> September, after the laundry, the mechanics workshop, and a number of other places including one or two cellblocks, had been burned. It was a nightmare that I hope I never have to go through again; and one that I hope this country never has to go through again.

Madam Speaker, in the aftermath of that the Commissioner of Police was put in charge and the Director was sent on administrative leave. We moved from hour to hour in trying to deal with the crisis. As soon as a little bit of normality was restored, I advised His Excellency the Governor to appoint someone to carry out an investigation of the matter and Sir Stephen Tumin, who is no stranger to Cayman. He came down and did an investigation and the report was tabled in this House.

Sir Tumin said, and I would like to read a little from his report as to why it happened, he said. **“The fundamental reason for the trouble has been overcrowding, a major prison evil wherever it occurs.”** He goes on to say, **“The Courts have been sending the prison roughly double the numbers that the prison can take and there are often above 300, when there should be a limit of about 150. The dormitory on Phase 1 held about 60 prisoners. This is gross overcrowding and it should be divided into cells for no more than two men each.”**

**“Increasing the numbers of prisoners without increasing the numbers of staff is greatly damaging to morale, and upsets attempts at rehabilitation, allows prisoners to plot against the authorities and makes it almost impossible for prison staff to maintain proper control.”**

Madam Speaker, as the mover of this motion stated a little earlier, Northward Prison was okay in the early 1970s when it was constructed. Crime at that time in this country was very low, and serious crime was almost unheard of. A double chainlink fence around Northward Prison was considered excellent security, as the cells and the facility in general when it was built, were no doubt considered state of the art. Madam Speaker, time moved on in Cayman, but advances in the security and

keeping up-to-date in the security at Northward Prison did not happen. I believe that collectively former and present members of this House all have to share a bit of the blame in this.

Madam Speaker, my first introduction to Northward Prison was in the summer of 1990 when I came over from Cayman Brac for two months to act for the Administrative Secretary (the post is now called Chief Secretary.) While here I visited Northward and I never forget, as I arrived there, the prison officer keeping the records. He said, “There are 175 inmates at Northward. It was built for approximately 170.” Since that time, numbers have steadily increased until it reached 308 in September of last year—almost double the capacity of the facility.

My predecessor, Mr. Lemuel Hurlston, tried for about four years to get capital funds approved for Northward. Two of the projects that funds were being requested for were an administrative block and a visitor’s centre. The mover of the motion spoke just awhile ago about the dire need for a visitor’s centre, and he is very right.

Madam Speaker, in late 1994 when I took over as Chief Secretary, I began the annual submission of requests for funds for Northward Prison. Apart from small amounts and a significant amount for the 24 cells, which will go into service next weekend, there has been very little money approved for capital improvements for Northward prior to the riots at the end of September and the first of October last.

The Prison Director (now the former Prison Director), his staff and inmates built a classroom roughly about three years ago. It was not funded by government, contributions were collected publicly, and labour was carried out by inmates to construct this classroom. But sadly when it was finished, because of the dire need for accommodation, it had to be taken over and it has never been used for a classroom until about a month ago, it has finally been put in service for the first time as a classroom.

Madam Speaker, last November I visited the Turks and Caicos, it was one of the suggestions that Sir Stephen Tumin made in his report that there was a new facility and it would certainly be worthwhile visiting there and seeing that. The Honourable Minister for Health and I had been in discussion around that time, as he has been working very hard on getting plans for a juvenile rehabilitation facility. And in discussions we thought it was useful, in fact wise, for both of us to visit Turks and Caicos. He and I met and agreed on a team to visit, and we agreed that we would invite a backbench member of this House to attend. Invitation was extended and the individual was quite enthusiastic about joining our team but just before the visit was to take place, he had a medical commitment that came up and he had to advise that he could not go.

At that time, it was too late to try to select someone else and the team therefore consisted of the Honourable Minister for Health, Mr. John Retson from the Probation Services and I.

The visit went very well and the information we gleaned was very enlightening—an opportunity to see a new concept in prison development and one that works very well. It works similar to a wheel in the sense that the hub is the area where prisoner officers operate from and blocks go off like the spokes of a wheel and a prison officer can stand and look down the corridors of four or five blocks and see if there is anything going on in the corridors. The concept works very well in the countries that have adopted its use and it is something for Cayman to consider when we go into construction of a maximum-security facility.

Madam Speaker, Sir Stephen Tumin made a number of recommendations for Northward Prison, and we have set about to implement as many of those as we can. He has recommended that the administration of the prison be strengthened by having two or three Assistant Directors, and we are now in that process. Informally, we do have the persons in place and so we at the top, immediately below the Director there is a Deputy Director and then there are two Assistant Directors that are responsible for specific areas of the prison. This was something that legislators called for perhaps in a different form. But for two years or more there has been the call for seeing more done on rehabilitation of inmates. This is one of the areas of responsibility and someone has been recruited with those specific skills to work on rehabilitation.

Sir Tumin paid tribute to the Director (now the former Director) Mr. Eric Smith, but felt that the facility had expanded to the extent that it was beyond his grasp and he has been retired. A temporary Director was recruited from the United Kingdom for six months. Mr. Nicholas Brooke came in very well experienced, having had experience in prison riots previously. He also has experience in the physical planning and development of facilities and we were very fortunate to be able to borrow him from Her Majesty's Prison Service.

Regrettably, we cannot keep him because he was only on loan to us and the UK Prison Service had a job for him.

I will be going to London the week after next to recruit a Director for Northward. I believe I can say at this point we have six applicants, all experienced prison governors and I am hopeful that we will find a good person to take the reins of Northward Prison in the longer term.

In Sir Tumin's recommendations, he said one of the first things to make the prison secure was to obtain what he called a lock-down, to move from prisoners being able to move around inside the prison without being controlled to a position where they were locked in cells. That was the most difficult task, and with the assistance of the Finance Committee, we were able to get funds to rebuild, rehabilitate the facilities, and we moved to that position as soon as cells were available and were lockable.

Sir Tumin has also recommended that we build a secure prison elsewhere for prisoners, a facility that would be a maximum-security facility and Northward would be retained as a lower security facility. Madam

Speaker, plans are moving straight ahead on the design of a maximum-security facility for this country.

Going hand in hand with that will be the need for a female facility. There was a time when female inmates were reasonably safe at Northward, but the riots last year showed that that is no longer the case. A number of members of this honourable House called for that facility and it is something that we simply have to do.

I want to itemise a few of the improvements that have been carried out since the rebuilding process has begun. One of the first things that we had to do (which I mentioned earlier) was to try to reduce the number of inmates in Northward. We now have within that facility, 223 inmates compared to 308 at the end of September. This has been accomplished by removing the female inmates. They are still housed at the East End Civic Centre. A number of others have been housed at the Central Police Station lock-up. Occasionally, there are one or two other facilities in Grand Cayman and six have been relocated to the United Kingdom.

By way of improvements, all cell locks have now been fitted with what is known as Chubb locks—in the prison world, the Rolls Royce of locks. Originally, the Folger Adams locks were there and they served their time but for those of you and a few of you have visited the facility since we began rehabilitation of it and the locks are much more substantial and secure, and will certainly serve for a very long time. They have now been keyed with a common locking system, which was one of the requests made in reports in the past, but it was a very costly exercise. It has now been completed.

All cellblocks now have proper secured outer doors. Many of you will have seen when you were there, the substantial doors that had been put on that are much more secure than the great type doors that were there originally.

The gate lodge at the front of the prison has two gates, an inner one and an outer one. The inner gate, the one on the prison side, has been replaced with a much more substantial structure and the outer one will be replaced shortly with a similar design.

All damaged accommodation has been repaired. There are a few minor things still going on, the occasional pipe or something, but by and large the accommodation has now been repaired.

The woodwork shop is in the process of being restored and reopened. The classroom, which I mentioned earlier, has been put in service for the first time and that is going very well. The entire prison buildings have now been repainted and they have a nice, fresh look about them.

A new regime has been put in place, which allows inmates who are drug free, well behaved and in employment, to be located in the former female wing which has been renamed the enhanced block with a higher level of privileges which they have earned. Anyone who does not meet the standards of this unit is returned to the main prison immediately.

We have introduced offending behaviour courses, social skills courses, and the drug rehabilitation courses

have restarted at the prison. Religious services now take place on three days per week as opposed to being limited generally to a Sunday afternoon.

I want to take this opportunity to thank the Minister's Association for their proactive stance. They contacted His Excellency the Governor and said, "We feel we need to be doing more," and they have regular meetings with the Governor. I attend whenever possible. We have been able to increase the number of religious services that are taking place and this is going very well.

Late last Friday afternoon we closed Tent City as a temporary facility for men, and relocated the inmates there into Northward. Tent City will now be set up for females. There is a bit of work that has to be done including having a separate cell or two for those less than well-behaved individuals. As soon as that is completed, and I am told it would take about three weeks, we will be relocating the females there. At that time, we will be able to allow the people of East End to finally have their civic centre back, and I again thank the people of that district for their tolerance and patience while we have had to use it.

I visited there last week and I was pleased to see that the civic centre (while converted to a temporary prison) appears to have been taken care of, from what I could see superficially. Yet it was made comfortable for the females, and I believe that females should have a better standard of accommodation (because they are females). Those facilities have been adapted for use as a temporary prison facility and seem to work well. We hope that Tent City will be set up in such a way that it can be reasonably comfortable for those individuals.

Nineteen of the seconded staff from the UK have arrived and most of them are already at work. Sir Stephen Tumin recommended that we look to the UK initially for trained and experienced prison officers, and to ensure that those officers pass on to their local counterparts as many of the skills they have acquired as possible. I have passed those instructions on and this is being done. I hope that we will be able to generally raise the standards of the local officers, some of whom may not have had a lot of formal training in the management of prisoners.

I mentioned earlier the reorganisation of the management system and the two assistant directors are in place. One is responsible for inmate activity, and will deal with the whole aspect of rehabilitation. Lead officers have now been based primarily in the cellblocks, in the living units, to provide better supervision and support for inmates and, of course, for staff as well.

When the riots took place at Northward, we had to put staff on 12-hour shifts. That is physically draining and it also becomes very costly in terms of overtime. Yesterday, we reintroduced the 8-hour shift system in which staff will be on ten 8-hour shifts in a 14-day period. I hope that they will be able to appreciate the fact that this will make life a little easier for them and at the same time, it will be a little less costly to the country.

We have now put all prison officers in a white shirt. Previously, only senior staff wore the white shirt. But all prisoner officers are now in a white shirt. This might

seem a small thing, but a number of them have favourably commented on this. I think it is a bit of a morale booster. It looks very good, and for those of you who may have seen the officers around, I believe they appreciate this.

We now have all inmates back in prison uniform with the exception of those in the enhanced block who are allowed to wear their own clothes as long as they are within the enhanced block.

**The Deputy Speaker:** Is this a convenient time to take the afternoon break?

**Hon. James M. Ryan:** Yes, Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 3.35 PM

#### PROCEEDINGS RESUMED AT 4.00 PM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 5/2000 as amended.

The Honourable First Official Member continuing his debate thereon.

**Hon. James M. Ryan:** When we took the afternoon suspension I was going through a list of improvements that had been carried out at Northward since late last year. I just referred to the shift system that has been put back in operation and I hope that will prove popular and at the same time work well.

Madam Speaker, the 24 cells that have been under construction are nearing completion. I toured them last Wednesday and they are just a few finishing bits to be done and it is anticipated that they will be handed over next weekend. Once they are tested, they will be put into service.

One of the things that the temporary director at Northward Prison is proposing (and I agree with him, and it will be done) is to use those cells for remand prisoners. Repeatedly, there has been a call in this House and from the public to try to keep persons on remand separate and apart from convicted inmates. This we intend to do and so those cells will serve for the remand prisoners and we will endeavour as far as is humanly possible to keep them separate and apart from convicted inmates.

There is a small exercise yard as part of the facility and that is now being readied. We hope that this can be done because for too long we have thrown everybody together and that is no good for rehabilitation purposes and, of course, persons on remand are persons who have been charged but are not convicted. Until a person has been convicted, he is not guilty under the law. So, I think it is only right that they should be kept separate. So, just to let honourable members and the public know what our plans are in that regard.

Madam Speaker, the temporary director is re-starting staff training. In fact, I think it is true to say that it will be a start because there are changes being made in staff training. In the past, a certain amount of staff training was done but there was never the opportunity to do as much as we wanted, and this is beginning later this month and we are hope that this is another step in the right direction.

Madam Speaker, during the last deliberations in Finance Committee, when I came for funds I pointed out the need for what I would call a proper perimeter barrier or a proper fence for Northward Prison. As I mentioned earlier, there is 10-foot double chainlink fence with razor ribbon wire around it and that served well in its time but we must have a proper fence there if we are going to keep inmates within Northward. This was one of the things that the Honourable Minister of Health and I were able to view when we visited Turks and Caicos, that is, a strong prison fence, a proper barrier.

At that Finance Committee meeting when I raised it, a number of members of the Finance Committee gave what I would call a resounding commitment to this item being given high priority. I want to say this afternoon that it has been given high priority. First of all, we had to find out where the materials were available from. It took a little bit of time and all this has been done. I recently got approval through Executive Council having had a verbal nod from members of the Finance Committee to move ahead with it. Of course, it will come back to the Finance Committee in due course, but we are now moving ahead with this perimeter fence. We have, in fact, today invited tenders for this barrier and as quickly as possible the Central Tenders Committee will deal with tenders and we will move straight ahead.

The new prison fence is going to be some 17 feet high. It is a steel fence and, unlike chainlink fence, I am told it is virtually unscalable—even for inmates like Steve Manderson and company. I look forward within the near future to seeing that barrier go up and I know the people around Northward Prison and indeed all of the people here in Cayman will be able to breathe a sigh of relief when we have a fence that can control the inmates in Northward.

It is proposed to include a fence around the workshops that will have to be reconstructed and this will be separated from the main prison so that we can control the inmates when they are in the workshop, and yet the workshops will not be in the same area as the accommodations as they were before the riots.

Madam Speaker, one of the recommendations of Sir Stephen Tumin was for a review of the parole system to be carried out. This review has been done. I expect that very shortly His Excellency will be accepting the new parole guidelines and making a public announcement on them. I believe that the new guidelines will improve greatly the system that we have had up to now. I am not going to go into deal because they have not yet been accepted and formally released by His Excellency.

I can say that the eligibility period for parole for Caymanians is expected to remain the same as it has

been and currently is but the system for remission for non-Caymanians has been reviewed and we expect that announcement to come fairly soon.

Madam Speaker, I believe that if this motion brings out ideas and views from members of this honourable House, as already we have heard some ideas coming out from the mover of this motion, I believe that if these ideas come out they can be incorporated and at the end of the day we will all benefit. I want honourable members of this House to know that I am prepared to listen and accept suggestions and recommendations that can improve the facility at Northward.

I believe that there will be other comments coming forward as we go along with this motion that will be to the benefit of Northward Prison and the country as a whole. I will be listening intently and making notes with a view to try to adopt and implement suggestions put forward where possible. So, Madam Speaker, I accept the motion on behalf of the Government. I thank you.

**The Deputy Speaker:** Does any other Member wish to speak? The Fourth Elected Member for the district of George Town.

**Dr. Frank McField:** Madam Speaker, thank you. I am not sure where we are at, simply because I think the motion is a bit late coming to debate. The Government has had time to mend its ways, repair the fences and, of course, give the impression that even if something was wrong, nothing is wrong at the moment that will not be fixed by their attention to the situation.

The idea that nothing that happens in this country has to have consequences, that somehow things can happen and you can just push them away, and that there are no consequences, no cost, is almost like a fairy tale notion. What has happened at Northward, and what continues to happen at Northward, is not as much on the mind of the public today as it was in September and October. For this reason, the urgency to find coherent solutions and policies with regard to our attempts to rehabilitate our fallen brothers and sisters might not have the urgency it had when they were misbehaving to the extent where they were burning and looting.

It would appear that the member responsible to this House for . . . or perhaps he is not responsible to the House perhaps he is only responsible to the Governor because I am not sure how this thing really works. But something went wrong on 30<sup>th</sup> September 1999. If we are going to say that the blame should be borne by past members as well as present members of this House then we certainly are going to find that we are dividing blame a little bit differently than we divide power and responsibility. I, for certain, had no power to influence the decisions as they were made with regard to the administration at Northward Prison, with regard to the rehabilitation policies at Northward Prison with regard to incarceration and with regard to whatever.

I came here in Finance Committee on several occasions and insisted that a rehabilitation director be hired for Northward because I felt that the whole goal of a



prison system is to rehabilitate and that this main purpose had been lost within Northward in that the administration had become more concerned with incarceration than with rehabilitation.

I believe it could be seen why that was so because if the Director of Prison was not trained in the social services or the social sciences in the first instance. The Director came from a police background going into the prison as a mere institution which enforced the will of the society by incarcerating inmates, rather than by rehabilitating inmates, and providing programmes for the rehabilitation of inmates.

I felt that to be truthful. What I knew of the qualifications of that person and the persons working next to him would mean in fact that there would be certain types of weaknesses. Therefore, I was asking that a rehabilitation director be added in order to complement his qualities and his role. That kind of perspective, of course, would have meant that we would have been more aware of the social grievances within the prison system in the first place. In other words, the first failure of the prison administration and those persons responsible for the incarceration and the rehabilitation of offenders was that they did not have the capacity to recognise the problems as they began to develop within the prison culture.

Now, I have been talking to persons over a period of time, just like the Third Elected Member from Bodden Town has been talking to persons over a period of time. It was my impression from talking to these individuals (prisoners and prison officers) that they had arrived sometime ago at a point whereby they were just waiting for things to move to a physical level. In other words, the confrontation was already there and had existed for a long time. The conflicts were there and had existed for a very long time. All that was needed was for this confrontation and this conflict to be moved to the level of physical confrontation.

Now, the fact that we are showing concern after the physical confrontation is part of our political culture, it's the part that says we are reactionaries rather than being proactive. We don't fix the problem before the problem gets bad; we wait until the problem gets so bad that every person in the society could see that there is a problem. If we are going to social manage on that level, whereby we begin to pay specific attention to problems when everybody can see that there is a problem, then there is no reason why we should hire a First Official Member to look after this particular interest. There is no reason why we should hire a director to look after this particular interest because this particular interest can be generally looked after by the general society since the general society and those people have reacted to the problem at the same time. In other words, the level of reaction, the time of the reaction was identical. The general public called for these changes at the same time that we became aware of the fact that the Chief Secretary's Office was calling for these changes.

So, it is interesting now that we can equally divide blame, but when it came to the point where the Chief Secretary's Office, the First Official Member, was going

to the Turks and Caicos, we could not equally divide responsibility by saying to another member of the backbench that that person could be invited to go along as well.

In other words, that type of decision-making smacks of favouritism and prejudice because it was not open to the backbench as a whole. It seemed to have been just one selected person that we know about that was asked to go. When that person could not go, there was no serious attempt to contact other members to say, *'well, I asked this person to go but this person could not go, would you be interested in going?'* To say that I would have been interested in going is an understatement! Of course I would have been interested and having the people's money being spent in order to give me at least some kind of comparative ability with regard to the establishment of prisons in the British Dependent Territories.

If I had another situation to compare this one with, I would certainly be in a much better position to make more creative and long-lasting suggestions to the Honourable Chief Secretary—who now seems to be quite interested in what we all have to say. But I would have been in a much better position to say something of substance had that opportunity been given to me to go to the Turks and Caicos Island and look also. But I realise that I am not one of the chosen few—

**Mr. Roy Bodden:** Neither am I!

**Dr. Frank McField:** I realise, Madam Speaker, that when I speak it is, *take your car out of my parking spot*, rather than what I have to say.

I realise that there are people in here who believe that they are the only ones (as the Third Elected Member from Bodden Town said) who have the solutions, who have the need to see law and order preserved in the society.

It is now interesting that what is being called for here is another study. We have not gotten to the point of how to encourage Caymanians to become jailers. We have not gotten to the point to even understand that the personnel within the prison plays a very important role in determining the outcome of the interaction between the jail and the jailers.

Now, there are interesting physiological and sociological theories about that kind of dominance and that type of situation, the role that class, race, nationality and all of those things play in determining the outcome of rehabilitation. We are still looking at this situation from just this very limited perspective—we have a problem, we have people who are offending, we have to put them in jail, they have become unruly, we have to bring somebody else in from the superior country to give us an idea as how we should resolve these problems. We don't ask Frank McField. We don't ask Roy Bodden. We don't ask the guy down the street that might have spent some time himself in prison and has a little bit of experience because those people who are participating in incarceration might be sometimes the most beneficial contributors to some type of solution.

I do believe that it is a situation with the National Team Government that has been in power since 1992 to somehow blame the overcrowding on members of the backbench as well as the members in that government and that support that government. That is misleading the general public. The Chief Secretary, the First Official Member, is a Member of the Executive Council. They come here with collective responsibility. If they have not made the case for the improvement in the physical conditions at Northward Prison convincingly enough to get support for the improvements in those conditions, its them to blame—not me!

So, they cannot come here today and expect that they will whitewash the entire situation, broaden the blame and still keep the power in their hands to tell us that we cannot go on trips to Turks and Caicos to see how the prisons are run there.

Madam Speaker, I know it's late so I shall sit down.

**The Deputy Speaker:** You will be continuing your debate on Wednesday?

**Dr. Frank McField:** Certainly, Madam Speaker.

**The Deputy Speaker:** We have reached the hour of 4.30 p.m., I will entertain a motion for the adjournment of this Honourable House.

The Honourable Minister responsible for Community Affairs.

## ADJOURNMENT

**Hon. Julianna O'Connor-Connolly:** Madam Speaker, I wish to move the adjournment of this Honourable House until 10.00 a.m. Wednesday morning.

**The Deputy Speaker:** The question is that this Honourable House do now adjourn until 10.00 a.m. on Wednesday, April 5. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it. This Honourable House is accordingly adjourned until 10.00 a.m. on Wednesday.

**AT 4.31 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 5 APRIL 2000.**

**EDITED  
WEDNESDAY  
5 APRIL 2000  
10.15 AM**

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

*[Prayers read by the Fourth Elected Member for George Town]*

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Deputy Speaker:** I have apologies for absence from The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, who is in Cayman Brac dealing with official business.

**The Deputy Speaker:** Item 3, Other Business, Private Members' Motions. Private Member's Motion No. 5/00, as amended. Debate continues thereon, with the Fourth Elected Member for George Town continuing his debate.

**OTHER BUSINESS**

**PRIVATE MEMBERS' MOTIONS**

**PRIVATE MEMBER'S MOTION NO. 5/00  
AS AMENDED**

**CONCERNS WITH THE OCCURRENCES AT  
NORTHWARD PRISON**

*(Continuation of debate thereon)*

**Dr. Frank McField:** Thank you.

The central responsibility of any government is to ensure the safety and security of its citizens as far as possible. Not only do citizens have the right to live in a society in which they feel free from a high rate of crime, but citizens also have a right to live in a society in which they feel relatively safe from the threat of crime.

On August 2, 1999, I brought Private Member's Motion No. 20/99 entitled, Development of a Strategic Approach to Crime and Recidivism. Recidivism is when people go back to the crimes they committed. They go back to jail in fact. These are repeat offenders. We knew that our prison was made up of a lot of repeat offenders, and some type of strategic approach was necessary in dealing with this issue. If this issue was dealt with we

would have not have had so rapid an increase in the prison population causing overcrowding.

It's interesting that the report done by Sir Stephen Tumin, gives as one of the main causes for the occurrences—the riots at Northward on 25, 30 September, and the 1 October—is overcrowding. The government has said that there was no lack of a coherent strategy or policy. They have gone as far as to blame past and present members of the Legislative Assembly for the problems at Northward Prison. I have disassociated myself with this since I don't believe it would be fair for me to accept any blame for the occurrences at Northward Prison, since I brought a private member's motion that was discussed in here on 2 August and government did not even find the courtesy to reply to the debate.

**Mr. Roy Bodden:** True!

**Dr. Frank McField:** I don't intend to resurrect the debate and the points I made, but it is important that government approach the problems at Northward Prison as being the end result of a series of problems which already exist in the society. Crime is the end result of deviant and anti-social behaviour. Punishment is the end result of society trying to curtail and prevent this type of behaviour.

The point that we are discussing punishment rather than preventative measures has to do with the fact that our governments have in the past, as well as in the present, adopted a hindsight approach to problem solving, not a proactive approach. Once they have fire and brimstone, they know the problem is bad and how to correct it. But until they are scared to the point of being forced to deal with the problems, they ignore them, they chastise people who speak of them, they discredit people, they ostracise people, they exile people for bringing to their attention the weaknesses in our social order, and that these weaknesses need to be socially managed so that we can find lasting solutions.

Northward Prison is not a solution to the breakdown in social order in our society. The responsibility for the general safety and security of citizens in our society falls on the portfolio of Internal and External Affairs. The security and safety of our citizens can, I believe, be more permanently provided by an approach to crime and punishment that is multidisciplinary. I believe it is short-sighted on the part of the persons responsible to believe they should only deal with the breach in social order once it reaches the serious stage of criminal behaviour or activity. My security should not have to wait until somebody assaults me or steals from my property.

In guaranteeing the safety and security of its citizens, government must begin in the socialisation institu-

tions. It must begin in the homes, the schools, the civic centres, the community centres, the boy scouts, the girl scouts, the different things. So, social control has to be not only by gentle persuasion, but a form of not so gentle persuasion. But before we have invested in the gentle means of persuasion, we should not take so much pride in talking about how we are solving the problem by investing more money in the not so gentle means of persuasion, the more violent means.

The honourable First Official Member has talked extensively about the physical properties of Northward Prison, and has said very little about the social and rehabilitative infrastructure within the prison. The fact that his portfolio is so incapable of comprehending these aspects of human relationships, or the human condition, is of no surprise. If we were to look in the Gibbard Report, if we were to look in the Sir Stephen Tumin report, we see that the argument between the Chief Secretary's office and the persons who did the reports is based on two distinctively different approaches to the management of our corrective institution.

The mere fact that we have conceived the process of incarceration as physical endeavour rather than seeing the social value, the idea part of incarceration as also important, has to do with the fact that the persons who have been put in charge of being responsible for the safety and security of the citizens of this country have very little knowledge of these important human features.

This is not necessarily a personal accusation. This is something that has also been admitted by that office. At some particular point I will refer to the words of the Deputy Chief Secretary in regard to the criticisms or suggestions made by the Gibbard Report and the way in which the merits of that report were devalued by what I consider to be very subjective evaluations of the very report. We have invited persons into our country to do reports. And once they have done the report we turn around and criticise the report from a purely subjective position, without any exercise of our objective qualities.

The Chief Secretary is calling for another report. Why? To create policy? If the policies were coherent in the first place, why would they want to amend the motion asking that that portfolio bring to this honourable House the policies or strategies for the improved management at Northward Prison. Why?

I recall that the attempt made in the amendment was to say that there were coherent policies, therefore we should not say there were not. But in Sir Tumin's report he said that **"increasing the number of prisoners without increasing the number of staff is greatly damaging to morale and upsets attempts at rehabilitation; allows prisoners to plot against the authorities and make it almost impossible for prison staff to maintain proper control."**

This is a lack of policy. Or this is a specific policy that is a bad policy—the policy of increasing the number of prisoners without increasing the number of staff. How can a responsible member of government tell us that the very report that was done by their authority does not suggest that there was a lack of coherent policy? A co-

herent policy would have recognised the fact that you cannot increase the number of prisoners without increasing the number of staff. It should not have taken a PhD to see that this would create a problem.

How long has this type of situation been allowed to exist? Why do you need someone to come in and do a study in order to correct the problem if the people responsible for managing the problem had the ability to manage the problem in the first place? If they said that they had the ability and they did not recognise these problems, then they are telling us that they were not concerned.

One interesting point the honourable Chief Secretary seems compelled to talk about was the fact that the political government was not as receptive to these difficulties which express a lack of coherent policies. This was not taken seriously by government. Well, whom can he blame for that? He has to blame the Leader of Government Business, Madam Speaker—the Leader of Government Business, the Minister of Tourism, and other ministers that comprise the Executive Council. If the Chief Secretary is talking about the lack of direction, or the lack of resolve, then he is talking about the lack of resolve of the National Team Government—the government that has been in power in this country since the first report was made by Mr. Gibbard, the government in power since 1992; the government in power in 1999 when the riots took place!

He must be talking about them. He certainly is not talking about the First Elected Member for George Town who voted in Finance Committee for additional money so that they could build additional cellblocks, although I realised that that type of policy (believing that incarceration is the solution to the problem) is ludicrous. Unless there is a serious attempt to minimise the numbers that go to prison and the numbers that return to prison we will always have an overcrowded prison.

Where are we going to get the money to continue to build all these prisons to hold all these people so that his prisons are not over crowded? so that he can say when there is a problem it was not caused by overcrowding? It's very easy to say the problem was caused by overcrowding. And we can understand the role overcrowding has played. But why did the government that controls Public Works Department, that has voted so much money for capital expenditure in this country, that has built so many roads, spent so little money on prisons?

Why has the government that is responsible, that has a central responsibility to ensure the safety and security of its citizens as far as possible, spent money on roads but not on prisons? Because it's politically popular to deal with that which is more popular—that, being roads. When you have a few thousand people complaining about the roads, spend some money on the roads and the people will love you.

But, hey, you have 300 prisoners and nobody cares about what happens to those prisoners until they break out and burn the prison down. Then government jumps up to say we can now spend money and be politically expedient still. That is what the First Official Member has

exposed. He has exposed the hypocrisy of the government! Government knew that the policies at Northward Prison were incoherent. Government knew all along it was playing with fire.

**Mr. Roy Bodden:** Preach brother!

**Dr. Frank McField:** They knew! He told them. He brought people in here to suggest that the fire would burn the buildings: yet, that government paid no attention to the warning. He cannot protect them by sharing the blame. I refuse to take any part of the blame for what happened at Northward Prison.

In the Tumin report it says, "**The dormitory on phase 1 held about 60 prisoners. This is gross overcrowding and should be divided into cells for no more than two men each.**" This is a policy.

What is a policy? Maybe we need to get the dictionary and look up the word "policy." Policy is procedure, the way of doing things. The policy doesn't necessarily have to be a written policy; it is also what you do. Are you going to tell me that putting people in this kind of condition, knowing that under any normal circumstance it would lead to riots, was a coherent policy? Huh? What are you telling me?

I have information that speaks to overcrowding. I got it off the Internet. It's called "Brand New Prison, Same old Problem." Okay? Now, if this is so, wouldn't the Chief Secretary's office have had access to this one or two years ago? Do we need to have a riot for someone to come here and tell us that overcrowding would cause a riot? What I am saying is basic, Madam Speaker.

The policy of overcrowding was a policy of the National Team Government. The policy of keeping prisoners in that kind of condition is part of the prison policies of the National Team Government, which led to riots at the prison. Now, how are you going to deal with that? You can blame the prisoners, of course. But they are incarcerated. You can blame members of the Legislative Assembly for not voting money, but, like I said, government has come here and done boiler-room politics to achieve everything for Cayman Airways and for this and that, how come the government couldn't come here and do some boiler-room politics and achieve some money for Northward Prison?

Northward Prison became what Northward Prison is because of the lack of concern!

**Mr. Roy Bodden:** You sound like a true Pentecostal now!

**Dr. Frank McField:** And now, we are going to tell members of this House that when they debate a motion on Northward Prison they should not, in framing that debate, bring into that debate the fact that government lacks coherent policies in regard to Northward Prison, meaning policies that would have prevented such occurrences.

It's good that this country is called wealthy. But at a time when we are talking about wages, the role which low wages and bad housing plays in creating juvenile

crime, we are talking about overcrowding in our communities and in the homes of our communities. And we have no solution to this problem. But we are expected to find a solution to overcrowding at Northward Prison.

Maybe the overcrowding at Northward Prison would not have happened in the first place if we had taken care of the housing problems in our communities—at least from 1992 onwards since the National Team Government has been in power. The way of addressing the housing problems has gotten worse since then. We can also blame juvenile delinquency on overcrowding in the homes, just like the good First Official Member has blamed the problems of riots and overcrowding at Northward Prison. What is being done to address the problem of overcrowding in our community?

The prison is a reflection of our society, whether or not we like it. If we study the persons in our prison, we will understand some of the things that are wrong with us also. The mere fact that the majority of us never end up in prison does not necessarily mean there is nothing wrong with us. Because many of us are parents, the fact that there is something wrong with us could assist in making something drastically wrong with our children who grow up to be adults in Northward Prison.

As I look at the kids coming from the Marine Institute to the Juvenile Court, . . . a few Friday's ago I was out there and had some conversations with some of the young people. Where are they going? The lock-up in West Bay is filled with these juveniles. These juveniles are being socialised to accept these conditions as normal. They are candidates for Northward. You need to build more cellblocks still, and you will keep building cell blocks—

**Mr. Roy Bodden:** True! It's like Gresham's Law.

**Dr. Frank McField:** —until you come to realise why these kids are being produced.

We cannot have a government that says this part is the official part, no accountability, no integration with the so-called accountable political non-official part. There has to be some kind of communication between education and the question of national security.

**Mr. Roy Bodden:** True, but they can't see that.

**Dr. Frank McField:** How can you say the educational system is successful if you have national security questions resulting from the breakdown of social order in your society? The education institution makes sure that if the parents haven't done their job the state will now do its job. How can you have a country . . . only God's blessing has allowed us to survive this long.

But I see that young people are becoming more aggressive.

**Mr. Roy Bodden:** Militant!

**Dr. Frank McField:** More militant. And this frightens me.

I asked one of the young men, "Don't you all have respect for anyone or anything?"

"No sir! Why should we respect you or anybody else? You never helped us."

One of them said that he could never have had as hard a life as he has had. I tried to convince him that I had a hard time in my life. But as far as he was concerned, his life is hard. This is where we go wrong.

We try to tell young people that their lives are good, and our life was hard. It's all subjective. Because I went and had to pull grass, and walk barefooted on iron shore, and fought the mosquitoes . . . I might want to say that was hard. But the child today believes that his life is hard too, relatively speaking, with him comparing his life with better off children and people in this society. They are not comparing their lives with my grandfather's life. They are comparing their lives with their better off, middle-class, and upper-middleclass peers.

**Mr. Roy Bodden:** Tell it, man. Tell it!

**Dr. Frank McField:** If we cannot see that we cannot have coherent policies in the prison without coherent policies in education, social rehabilitation and so forth and so on . . . the whole system has to work together, has to rely on each other.

The mere fact that we are discussing Northward Prison means that we are discussing the problem at a particular stage of manifestation. But the useful discussion (although the honourable Speaker is not fond of my rambling all over the place, as he calls it) the useful way of looking at every problem is to see the interconnections. This is how I was taught—the interdisciplinary approach—from the time I went to college. They started back in the 1960s because it was fashionable talking about the interdisciplinary approach because we realised that everything influences everything.

If the school fails, the police have to take over. When the police get involved, the judicial system will have to take over. And we hear people preaching that we know the judiciary is independent. Well, sure they are, but they are not living in space someplace. Right? Although they are independent, you can still talk to independent people. Independence does not mean that they do not recognise the interdependency between the police system, the community system, the judicial system and the prison system.

I am quite sure that the judiciary in this country has done more to put forward coherent policies in regard to incarceration and rehabilitation than has been put forward by the portfolio responsible for that, or by the government that surrounds that portfolio.

There was some talk about Magistrate Ramsey-Hale's suggestions. And I had the opportunity to speak to her on the street. I more or less said that I thought it was good what she had to say. It's always refreshing. And she wanted me to know that it wasn't political. I said that I knew it wasn't political because it is very often in this country that we regard anything that might seem critical to be political. But I just wanted to say that the judiciary

can be independent but can still contribute to the general development of principles that will enhance the safety and security of the community.

What she was saying was (as I understand it) that we always want government to get involved in solutions. But we need to have people solutions. We need to have people empowered to believe that they can make solutions. But we are not going to have people empowered without teaching them how to become empowered. We cannot have this arrogant attitude that they should know. We are living in a different world and we need to help people come into this world and be empowered.

The Cayman Islands has made a transition. Things have changed. The way we do things has changed. And there are some people who feel very powerless. Therefore, involving them is an art in patience itself. We have to look on all fronts for solutions to this problem.

Certainly, we have to realise that we are not going to go backwards with social problems. The social problems in this country have now developed to the degree where they will perpetuate themselves. Criminals will beget criminals, who will beget criminals. The cycle of crime has begun. It will not go away. Therefore, the state has to face the awesome responsibility of dealing with this problem in a not-so-gentle manner.

The gentle arm of the state must continue, that is, education, social welfare assistance where necessary. But the more violent arm of the state must begin to show that the state is omnipotent and willing to go to the final extreme in order to guarantee the safety and security of its citizens. We need a prison system that shows that persons can be locked down, deprived of all power, and that the only way they can get that power is to cooperate. In other words, incarceration has to be the act of taking away all that the individual has been given by society. We cannot take away what God has given the individual because we are not that kind of Omnipotent. We dare not do that. But we can take away everything that has been bestowed on that individual by the society, and only when that individual shows that he or she is going to cooperate do we begin to restore these things.

They said there were coherent policies at Northward Prison. Why is it now that this director of prisons has come here? And he has what I consider to be coherent policies, sensible policies. If he is going to talk about a wing in the prison where he is going to begin restoring privileges, that's basically what I am talking about. You take all the privileges away because the rights come from the society, and you restore those rights as they restore back their cooperation. Break it down. It's not all that difficulty.

If they were so aware of these things, how come we didn't have people at least expounding on those things? It's not that difficult to organise a prison. It's not. We go back to Hobbes, I think it is, and talk about the pleasure and the pain principle.

**Mr. Roy Bodden:** *Leviathan*.

**Dr. Frank McField:** Yes, we go back to that.

The person who is in jail wants to minimise pain. He doesn't commit a crime because he loves pain; he commits a crime because he thinks he can get away with it. So, when you catch him and put him in jail, that's a pain. It hurts when somebody locks you up, puts handcuffs on you, and takes away all your physical strength. They bind you, they hold you down; they do to you what they could do to a horse. They come back and ask if you are ready to cooperate. And it's up to you. If you don't cooperate, you get more of that.

When you start to respond to them, they start to respond to you. It's the old psychological trapped rat experiment—stimulus and response.

Hey! We could develop a rehabilitative programme. I haven't heard anyone talk about it on that particular level. But I am speaking about it to show that it's not far away from Caymanians to conceive of how to rehabilitate Caymanians. We don't have to get them from the UK. Our problem is that we never look towards our own people. That is why I am so hurt by the fact that the Chief Secretary would go over to Turks and Caicos and not invite one of his Caymanians on this side to go along.

It would have been useful to have the opportunity. We do work for the people too. We might not be official-dom, but we are some kind of "dom."

[laughter]

**Dr. Frank McField:** We shouldn't get to that level and then turn around and try to put blame on me too for what happened. I have been writing about prisons and talking about prisons and suggesting things all along.

You can tell by the way I am talking that the Chief Secretary wasn't really serious when he wrote me that letter after my Public Eye programme dealing with Northward Prison, saying that he would like me to give him my rehabilitative programme for Northward Prison. The Chief Secretary actually wrote me a letter like that, Madam Speaker, and I felt that he was being sarcastic. And I didn't take it as a genuine letter because he comes here in this Legislative Assembly and he could have followed up on that letter if he so wanted to. He was being fresh because he didn't feel it was right for me to be making remarks about Northward Prison.

**Mr. Roy Boddan:** What's that old Jamaican term?

**Dr. Frank McField:** That is why we have no rehabilitative development because it needs to be a collective thing. And that is what my motion was asking for in its resolve on 2 August. It was asking that government make available plans for addressing the matter of crime in the society, "AND BE IT FURTHER RESOLVED that any such plan evolve out of dialogue with elected members of the Legislative Assembly." It evolves out of the dialogue just like he is now wishing that this motion will help to evolve some type of solution to this thing. Yet, government never spoke to the motion I brought on 2 August.

I brought it on 2 August and the riot started in September. What a coincidence! If the riots had happened before I brought that motion, government would have spoken. But it goes to show that only when the fire starts do they start moving. They are not going to move before the fire and the brimstone. Why? They're comfortable. Nobody is doing anything to them. They are making their money. They are doing their business.

If something happens with the police or the prison it means that's another government—not their government, another government. So, we have the so-called official government and we have the political government, and the official government . . . I don't know.

No, no, no. If something happens on the streets of this country, the Minister of Tourism and the Minister of Education are as much to answer to the public as anyone else because government is a collective Institution. It's not an individual thing. They have collective responsibility for what happens at the prison. It's not just the Chief Secretary; it's the Chief Minister too. It's the Leader of Government Business. He's responsible too.

So, when we come to discuss this thing with Northward Prison, because we feel that we are now settled down and there are those who say everything is back to normal . . . well I know what has happened. We have a director who is extremely articulate and versed in the modern rehabilitative sciences. He's businesslike and gets things done. He's a no nonsense person, obviously. He comes in here and says if we want him to do it, this is what we have to do, blah, blah, blah, blah, blah. Things move along.

When they get another director, they have to ensure he has some of the abilities of this director. Communication is important in any institution. Because people are prisoners doesn't mean that you don't have to give them explanations. And that's another thing mentioned in the report in regard to parole. People are asking about their parole. Nobody had any answers for them. It's the Chief Secretary's office again. Look in the Gibbard Report. It talks about the fact that the communication process—not just between that office and the persons in charge of the prison, but with the prisoners themselves, the parole board . . . the people responsible for the parole system did not even feel it necessary to give certain prisoners explanations as to why they could not be paroled.

I have a letter here about the discrepancies in the parole system. Somebody brought it to me before the riots, asking why certain people were being given parole and some were not. See? It's all on Northward Prison paper.

I am not going to get involved in that, but I think it shows that there were people who were dissatisfied with the way in which parole was granted by the lack of explanation as to why certain people were not given parole. If the policies were so well developed, how come they did not find a way of letting these people know what the parole board's standards or policies were? If any.

The idea that we needed a riot at Northward Prison, we needed somebody to come in and do a study, and we needed to get a new director in order to know that if you

keep people from foreign countries, like Jamaica for instance, on long sentences where they feel they do not have the same right to parole as local persons, they will feel discriminated against and become resentful and agitate in order to create a very unhealthy environment . . . we don't need people with PhD's or people from superior countries to tell us, I think we all know that when we are treated unfairly, or have the perception that we are treated unfairly, we don't think nice things about the people we believe are responsible for that treatment.

The lack of a coherent policy in regard to parole was one of the main reasons why the occurrences took place at Northward Prison. It is now being addressed. But the reason it is being addressed is because it was recommended before the riots that it be addressed. It took the riots to create the urgency in order for those persons to get their answer.

In the May 13 1999 report by Mr. Gibbard, he talks about **“the five hostage takers had apparently reached the end of their tether trying to get some explanation for the parole system including letters to government officials which were not answered.”** They were not answered. It's in the report.

How can government come here and amend this motion? How can they do that? It's almost like corruption to even dare to do something like that when the very confidential report—confidential until some member of this House found a way to flush it out (otherwise we would have no basis to say the policies lacked coherency)—stated the policies lacked coherency. Give an explanation of the parole system, please, to the five hostage takers. Five people took two hostages, I believe to get an explanation. You calmed the situation, got the hostages back, said you put the situation back to normal and you gave no explanation even to the people who demanded an explanation and went so far as to take hostages. You don't think an explanation is important to them?

You don't think the fire will blaze again? You are not prepared for a riot when all of the signs and signals were that they were willing to use extreme measures to get the attention of the general public in regard to these incoherent, unacceptable ways of behaving by the prison authorities in this country? Of course you know, if you know human behaviour. Of course you know, if you know some of the psychology and sociology of the particular group you are dealing with that you are going to have riot and rebellion.

There should have been people who had the ability to assess individuals and their potential to be disruptive. If you can't even do that, how can you assess whether or not someone should be paroled? What kind of assessment system do we have? We have to have a scientific approach to these situations and only when we have a scientific approach would we call it good management.

The first report was done in 1994—two years after the National Team took power. And while on their watch, the prison was burned. The country will be paying for that for years. When November comes and people vote, I hope they remember the price that bad management,

or the lack of coherent management at Northward Prison has cost them.

Already in 1996 there were 242 males, 80 over the certified accommodation of 162. The riots happened in 1999. How can somebody now say that the cause of the riots was overcrowding? Of course it was overcrowding! But the fact is they should have seen that the overcrowding was significant enough to create the disorder.

In the Gibbard Report it says, **“The Chief Secretary's office needs to offer more constructive support and encouragement, not to constantly give the impression that they are merely looking for a scapegoat when things go wrong.”**

I am not saying this, Madam Speaker. I am reading from a report.

We can say that the person who did this report has something personally wrong with him. But I think they hired that person and they should at least, because they spent the people's money, make sure they give some type of attention to this. When a professional studies a problem and gives it to somebody who is not professional in the same field it's like throwing pearls to swine—it's a waste! That's what happened here. If you look at this report, the person has told you this is what is going to happen.

If there was no money directed toward the prison, are we being told then that Executive Council does not take the suggestions of the Chief Secretary seriously when supported by a professional report, are you saying that he did all he could to get the Leader of Government Business to spend more money at the prison, yet they did not come here with their budget in order to do so? And even if they did come with some little things that they were so incapable of giving the proper explanation for why they were doing it that they couldn't get the support they needed in this particular case?

They were not concerned about Northward Prison. They were not concerned about developing coherent policies that would have prevented the situation from occurring.

**The Deputy Speaker:** Is this a convenient time to take the morning break? Proceedings will be suspended for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 11.18 AM

#### PROCEEDINGS RESUMED AT 11.45 AM

**The Deputy Speaker:** Please be seated. Debate continues on Private Member's Motion No. 5/00, as amended. The Fourth Elected Member for George Town continuing.

**Dr. Frank McField:** In a speech by the honourable Chief Secretary on 16 March, he said there was no use in the Third Elected Member for West Bay calling for his resignation because the Governor would not be interested in entertaining that motion. I remember that when I went up to Northward Prison when the prison was still burning (30



September/1 October), and I did a live TV interview with the Third Elected Member for West Bay, I said that I believed the Chief Secretary should (at that time) consider resigning his position with the Cayman Islands Government because he was ultimately responsible for what ever had taken place.

Now, that doesn't mean that I was suggesting that he was responsible in the sense that he actively participated in doing the wrong that was done. It is quite obvious that the wrong had been done by the inmates at Northward Prison. What I was saying was that it appeared to me that the Chief Secretary's office was not interested in receiving creative suggestions from the backbench in regard to the management at Northward Prison. And in having that approach, that we should not meddle. And the many times I suggested they have a rehabilitative officer, I understand that might be coming into play now. But that was based upon the fact that I as a member of the public and as a Member of the LA was shocked, and felt that I had been made impotent by that sight.

I guess I had to have some kind of reaction to the situation. And it was, who should have given us the warning that something like this would happen? And who carried out the negotiation with the hostage takers? Therefore, who, by virtue of how that situation was resolved, set up the conditions for subsequent disobedience with the whole idea that first felt could be successful? If we are going to say that government is responsible for these institutions, then we must find some individual in government who is responsible. We just can't say "the government," we are talking about the individual who heads that particular responsibility.

I could have said that the National Team Government should resign, but I know they wouldn't because they feel they were elected and that no one other than the people should make the decision as to whether or not they continue to occupy that privilege. Whereas in the case of the honourable Chief Secretary, I felt that because he was appointed to that position that that appointment should be terminated because the end result was obviously not pleasant, and very costly to the country and lives could have been lost as a result. We were just fortunate that no lives were lost.

But that person cannot then very arrogantly stand in this Legislative Assembly and boast that the Governor is giving him full support. If the Governor is giving him full support . . . and we have not heard of anyone being cautioned or counseled in regard to what has happened. The people, although they don't vote for that office, still should have some say in what happens in that office simply because that office is responsible for the most central responsibilities, that of taking care of the security and safety of our citizens. That was why I said that, not because of any personal reason.

I did not continue to elaborate on that request over a certain amount of time because I felt that if the Governor was going to respond to what I said, I would not have to say it ten times and politicize it. I said it because I felt that it was correct at the time. But I was not going to

make politics out of it forever and ever. So I didn't mention it again in here.

As I saw the way the honourable First Official Member behaved toward the Third Elected Member for West Bay in regard to the fact that the voters in West Bay had already decided what they were going to do with that member—as far as I am concerned mixing up politics. I felt that was related to the call by the Third Elected Member for West Bay calling for the First Official Member's resignation. Since I had been one of the original parties who called for that as well, I felt like some kind of traitor.

I have shown that he is part of a collective institution and it's their job to see that the safety and security of the citizens is well taken care of. When you have people rioting and burning the prison, and breaking out of prison, we cannot be assured that that safety and security is being taken care of. Therefore, the person who has responsibility for it has to be replaced by someone we think would be better capable of doing that. That was the general idea, because that's what happens in the private sector.

If my company lost \$2 million just like that, then we would want the chief executive officer of that company to hand in his resignation. People in the private sector have to pay penalties when on their watch these types of errors occur. The fact that they are not answerable to anyone, the fact that not even a member of the Legislative Assembly can get up and say something without being criticised by them and mixing up in the politics of this country . . . and nobody chastises them? Nobody says it's not right?

I know that on the streets right now a lot of people are talking about the Third Elected Member for West Bay in a negative way because of what that member said.

**The Deputy Speaker:** Honourable Member, can we move on from that discussion which took place prior to today? Thank you.

**Dr. Frank McField:** I will move on because politics is best done outside this House. But, I need to remind certain people that they are not beyond the scrutiny and criticism of the people because of officialdom. When we get into that kind of dictatorship, where the very people that are responsible for our safety and security cannot be questioned about the way in which they are handling it, then we are in dangerous state. We are in a dangerous situation when I cannot question the person responsible for my protection. Nonsense!

I felt that I had to deal with that particular issue. And I thank you, Madam Speaker, for allowing the emotions to flow.

I would like to read the conclusion of a report by Her Majesty's Chief Inspector of Prisons, to consolidate my position:

**"Frequently am asked whether I am optimistic or pessimistic about the future as far as treatment and conditions of prisoners are concerned. I always reply that I am optimistic for three reasons, two of which I**

mentioned in my last report as priceless advantages which gave the British Prison Service a head start in the laudable and imminent achievable end set by the previous home secretary as being regarded as the best in the world.

“The first remains the quality and dedication of so many of its staff, and the thousands of volunteers who devote so much of their time and effort to a whole host of tasks without which the many good things in prison would not happen. In survey after survey the job that is deemed to involve the highest level of stress is that of prison officer. And I can see why, faced with the rise in the numbers and cuts in resources with which to work with, I am amazed at what they continue to achieve and their determination to go on doing it. This is not the moment we might say that we can do better, this is the time to pay public tribute to them for the way in which they carry out the immensely difficult and demanding task on behalf of the public.

“The second remains the programme set out in custody care and justice designed to take the prison service into the next century which if actioned and resourced could improve the current situation out of all recognition. This plus exciting developments such as the introduction of service level agreements could transform the ability of the prison service to carry out the second part of its statement of purpose, namely, to prepare prisoners to live a law abiding life on release.

“The third is the evidence of growing recognition that the prisons must not be considered in isolation, but in relation to the remaining criminal justice system. This is not just for reasons of cost, but of greater efficiency. It simply does not make sense for those who have a part to play in influencing the treatment and conditions of prisoners to keep their part to themselves and not share it with those who are also involved. I believe that the trend will be set by the government’s drive on improving youth justice, because the improvements outlined not only demand a multidisciplinary approach, but simply will not come about unless all involved genuinely share their responsibilities and work together. From that beginning the principle of joint working can be spread to other areas.

“Of course, there are problems. And the prison system remains overcrowded and under resourced. I believe that the efforts of this can be mitigated by different management structures and procedures. But that is because I have had a lifetime’s experience in such a structure, using such procedures and know that they work. To me the principle problem facing not just prisons nor the criminal justice system alone, but the nation as a whole is a nature of society from which all too many of those committed to our prisons come and to which they will return. The level of unemployment and lack of job experience, the numbers evicted, truancy from schools leading to appalling lack of basic literary and nu-

meracy, let alone for the educational skills; the numbers of drug and other substance abusers; chaotic home conditions characterised by the break-up of families and the dreadful amount of sexual and physical abuse inflicted on children by parents and close relatives. All these are statistics about which we should be alarmed and ashamed.

“Prisons cannot do anything about the cause except hope that the standards they are able to impart on prisoners by the way they are treated during their time inside will contribute to stemming, if not reversing the tides. Conditions that encompass the sort of chaotic life that all too many adopt are conditions that encourage lawbreaking and antisocial behaviour which in turn are the conditions giving rise to the increased numbers being committed to our prisons which makes such huge demand on public purse. Only the public can stop them.

“My frustration as Chief Inspector of the treatment and conditions of prisoners is that I know how much more prison staff could do to protect the public by tackling re-offending if they had the right level of resources. On their behalf, on behalf of the public they serve, I hope that these will soon be estimated and granted so that their service to the nation can be enhanced.”

Madam Speaker, many of the issues the Inspector of Prisons in Great Britain has highlighted . . . and this was actually taken off the Internet on 30 September 1999 about the time in which we were having the riots. The philosophy in here, which I guess will be the philosophy of a new prison director if he comes from England, is that the job of a prison officer is a very stressful job. If that is so, we should recognise that here also.

The lack of attention by the Chief Secretary’s office created the depreciation of morale at the prison. We understand that the treatment of the prison system in isolation is also not going to do us any good. We need the criminal justice system involved; we need commitment from the education system and other systems. These are points I have been trying to make.

The Inspector also mentioned the chaotic home conditions characterised by the breakup of families and the “dreadful amount of sexual and physical abuse inflicted on children by parents and close relatives.” Domestic violence is an important issue in terms of preparing the foundation for the genesis of the criminal.

If overcrowding is a problem, and they all speak to it, we also see how we will not just be able to solve that overcrowding from the rehabilitation programme in prison, we will have to have rehabilitation programmes in society as a whole. I hope that will be borne in mind when I ask for a complete government strategy and not just a prison strategy because as the Inspector said it has to be an integrated multidisciplinary approach.

You cannot have a successful prison programme without it being a multidisciplinary approach. We have to have the justice system, the youth justice system, the government and everything involved. We don’t just want a report outlining what should be done at Northward

Prison and says nothing about what should be done at John Gray High School or in Windsor Park where I live, and gangs are beginning to grow ever so rapidly.

I hope that I have brought to the attention of those concerned the fact that government should be accountable, that government is accountable to the people for what happens in the country at least in regard to the management procedures. Therefore, it is not good enough for persons to try to make it as if this is not a political issue. This is a political issue. We are dealing with the policies of the country. We are dealing in this particular instance with a very important central responsibility of government.

When I come into a situation, I like to speak my mind about it. I know that a lot of people feel that our constitutional instrument is perfect as is. But somehow there has to be a relationship between the breakdown in social control in this country and constitutional responsibility of government as defined by the Constitution.

I think that the Immigration Department, the Police Department, and the Prison Department should come under the direction of an elected member who is responsible to the public for whatever failures or successes. I think that security and safety is too important to be in the hands of someone who has no responsibility to the general public. I think it is time that we looked at this. It's like the old argument that we can't have a Caymanian head of the Police Department because if we did, we very childish Caymanians will do our families favours and be worse off than if we have someone totally different.

I love the Commissioner of Police we have. I think he's a very good person. But that doesn't mean a Caymanian could not be good at the job and we cannot have a Caymanian for the job unless we give the Caymanian the idea that he or she needs to develop for the job. If there's no job there, no one will aspire to develop to the position of that job.

But that old thing that if we had control of internal security in this country we would do such a bad job, that we poor subjects should not be given responsibility for our own security because we are not civilised and responsible or mature enough to be trusted with internal security. I can't in good conscience support that ideology which makes me inferior to somebody else. The fact that I challenge the idea has to do with the basic ideological reasons for its existence in the first place is no longer sound in the 21<sup>st</sup> century when we talk about being the fifth largest financial centre in the world, where we have a Financial Secretary who is a Caymanian, but we can't have a person responsible for the internal security of the country by way of the police [commissioner] being Caymanian.

I would like the prison to end up with a Caymanian director of prison. I would like to see an attempt made to encourage and train Caymanians to be prison officers. I believe that at the end of it all we are going to have certain problems at the prison as a result of importing prison officers from Britain. I believe that the job of social control can be done much better when people can't use differences in race or culture or nationality to point at and

say it's been unfair discrimination. We know how people are. They use every difference in order to prove that point when they feel they did not get the best of the situation.

We are playing into the hands of these kinds of situations. We are going to ask prisoners to accept somebody from England coming to be their jailers. A lot of these prisoners already believe that they are in jail because of injustices. They will tell you the reason they believe those injustices exist. We won't help the rehabilitation process by intensifying the conflicts. They are too visual, too obvious. And if those UK officers are not handpicked and come here with any of the racial and national prejudice that we know exist in the UK—I know, I lived there. Most intelligent British people will tell you that racial and national prejudice exists in their society. We might then be putting them in a situation that will only intensify the conflicts, the grievances. At the end of the day we might not only have riots, we might have people getting physically hurt. We don't want that.

There has been no proof that the cultural dynamics have been mitigated. The same cultural dynamics that created the organisation to deal with grievances is still there. The prisoners from Jamaica helped to organise the Caymanians, and the fact we are dealing with gangs going to prison and coming back from prison means that we already have an organisational structure in the prison resisting certain types of policies and programmes. All of these things must be borne in mind when making these decisions.

If they are going to resist these people coming into their country, into their jail and taking over, and if there is any support from the other prison officers it will divide the prison staff again and will put the prisoners in a position to take advantage of this division. It will undermine the system.

We are so quick to run off to find solutions to our problems, to import them. We import everything including ideas. I wrote that in a little story a long time ago. Why is it that we haven't increased the prison officers' pay? The Inspector of Prisons said what a stressful job it is. Nobody really wants to work in a prison. What if we paid the prison officers more? Increase the incentive to become a prison officer. Help Caymanians take over the job of being jailers because it's only when Caymanians become their own jailers that Caymanians will feel justified.

If you are punished and you do not accept your punishment . . . that's why confession is important. We confess to Christ because in confessing we accept the fact that there is a penalty. But for the person who feels it's not worthwhile confessing—because the people to whom he is confessing are the people he is confessing against—we are going to create a problem with a psychological transition of acceptance of what you have done wrong in order to improve what you are and who you are.

I say that it could be a very dangerous move to bring in these prison officers from the UK. It could be. The UK has problems with West Indians in their prisons. Serious problems in Brixton Prison and other prisons.

Once people get into that situation they see race as significant. When they begin to use their gang mentality and culture in order to take advantage of that situation and gain sympathy from people on the outside with a similar resentment, the two combine. The prison becomes something very different. I am trying to paint the picture because some people do not want to accept certain social realities in this society and they need to be more careful about who they choose.

If we could find a way to evolve a Caymanian to take over the prison system as quickly as possible, it would be cheaper. They are getting to the point where they are going to try to do the same thing with the prison system that they do with the police system. We are going backwards. We are going backwards because the people responsible for making these decisions are not politicians, and don't feel they should be accountable to the public. I believe it's time the public had some say in how the security and safety of the citizens is dealt with. I believe it is time that those functions became accountable to the public as well.

**The Deputy Speaker:** Does any other member wish to speak? The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you.

I rise to offer my contribution on Private Member's Motion No. 5/00, entitled Concerns with Occurrences at Northward Prison. Let me start by saying that I listened intently to the honourable First Official Member in regard to the new initiatives that are in the works to address the issues at Northward Prison. I listened to his attempt to pour oil on troubled waters, to defuse the volatile situation in this country that has been created by the incidents at Northward Prison on 30 September and 1 October last year.

If you want to see a perfect example of crisis management, this is one. I will support my argument as I go along. We have had reports by experts on the prison. We have had recommendations from these experts. We have had numerous questions and debates expressing concern relating to Northward Prison. Like so many other things in this country, we really don't take any note until we have a crisis. A crisis in this case that not only cost us a great deal of money, but a great deal of unnecessary concern in regard to personal safety.

Action is now in the process of being taken to appoint a new prison director. Why now? Because they burned down the prison and cost us over \$2 million? We are talking about bringing in 12 (maybe it was 24) new prison officers from the UK. I am corrected, Madam Speaker, it's 20. We are now talking about putting provisions in place for the proper training of prison staff. We are now talking about a revision of the parole system. Why now, after it cost us over \$2 million?

The incidents on 30 September and 1 October last year at Northward Prison greatly damaged our reputation as a safe, non-violent destination where residents and visitors alike can boast of being and feeling safe. This same issue was raised by one of the experts in his report

dated April 1994. It's the report by Her Majesty's Chief Inspector of Prisons for England and Wales. Let me just read an excerpt of what he had to say.

**"Concerns are with finance and tourism. It has become one of the leading offshore financial centres of the world. More than 500 banks and trust companies are registered here. Most tourists come from the US. There are now large international hotels, restaurants and shops, expensive condominiums and in season enormous cruise ships calling in. We need to remind ourselves of these facts because they effect decisively the need for law and order and security coupled with humanity."** That was back in 1994.

Like the Fourth Elected Member for George Town, I felt very angry. I felt impotent because I never, in my wildest imagination, ever though that I would witness that type of incident in this country as I did on 1 October last year. Never! Maybe in Jamaica or one of the other islands it would be no big deal, but here in the Cayman Islands?

I am the same elected representative who called for the reinstatement of capital punishment. One of the comments I heard after the incident was 'thank God nobody got hurt.' Because we allowed it to happen once, do you know what the prisoners are saying now? *'If I don't get what I want, I am going to burn it down again.'*

The Police were in place waiting for the order to really take control. That order has to come from the Chief Secretary. That's the officer they were waiting confirmation from. It didn't come. The prison was burned down, and now when we need so many other services and facilities in our respective districts, we have to put aside at least \$2 million to replace what was destroyed. The physical destruction is bad enough. But that incident created in this country a reality that we are not practising what we preach. We are not prepared to protect our safety at any cost.

The impression of safety was our greatest asset. If it happened once and had not been repeated, I would say it was an isolated incident. But since that we have had numerous subsequent escapes of convicted murders. You can't blame that on the legislators. When they came here for funds to do renovations at central police station, we gave them the funds to put in place the cells needed. Hopefully they would have taken advice from someone who knew what he was talking about in regard to security and safety. The issue of law and order has become a joke in this country.

If the honourable Chief Secretary had read the reports and taken into consideration what was recommended, I think we could have headed off that particular incident at Northward Prison. When I read the report of His Honour Sir Stephen Tumin on October 1999, and I just want to read under "What Happened." It says: *[Please see attached Appendix]*

There was evidence of a problem there from April 1999. But no actions were taken. Let me deal with a couple of recommendations made by the expert in his report. On page 5 of the Report of April 1994 it says, **"There is inadequate drug counselling, especially for**

a prison where the majority of inmates have been involved with drugs. Reasons were not given for refusal of parole." This is 1994, Madam Speaker! **"Very little staff training has taken place here for a number of years."**

**"We believe that education has not been given the prominence it deserves in this regime. We believe there should be an education grant in the budget."** This was in 1994, Madam Speaker!

**"At least one more classroom should be built or otherwise provided. Prison teachers should be paid on a regular scale. They are as qualified as outside teachers and work longer hours without regular holidays and work under conditions of some stress."** This was in 1994, Madam Speaker!

I remember speaking to Mr. McIntyre. Because of his concern for assisting those prisoners who didn't have the academics he thought they needed to survive in society he attempted on his own . . . and that situation existed for a number of years with very little support from the Education Department, the Chief Secretary's office, or any other related office in government.

On page 11 it says, **"We were not impressed by the range of work or opportunities for exercise. Apart from the farm, the kitchen, the laundry, and education, we were not impressed by the level of activities available and recommend more vocational training and education courses."** I would like to ask the honourable First Official Member if he took that into consideration. Has there been a provision in the budget for education at the prison since 1994? I don't think so.

We had problems identified over the years, but nothing was really done. Staff training was not a high priority. In the report of October 28 1999 it says, **"Staff training should be given a much higher priority. Since my first visit in 1994, there are many recommendations that I made that still have not been implemented by line management or government. The staff at Northward Prison lack motivation and do not feel supported by the Chief Secretary's office or by government. The Chief Secretary's office needs to offer more constructive support and encouragement and not to constantly give the impression they are merely looking for scapegoats when things go wrong."** Now, this is an expert on prisons, not John Jefferson, Jr. from West Bay.

The sad part is, this gentleman was paid for his services. He said, **"I think it's time that prison needs are taken more seriously and that money is directed towards the institution. However, carrying out investigations is a waste of time if recommendations are not implemented."** We have had no shortage of expert advice in this country. What have we done with it?

And now the First Official Member comes here and tries to share blame? Humph! I know one member who's not going to take any blame, and that's me! I am not taking any blame because as an elected representative I have always supported things I felt were necessary.

Like the Fourth Elected Member for George Town said, as far as the Finance Committee was concerned,

that was not the direction we wanted to go. We needed the whole system, including the courts, to look at alternatives to prison for our young people. We are talking about them now—probation, community service. Let's create a society of convicted criminals. Do you know what that does? When one pays for his crime at Northward Prison, when he gets out he attempts to get on with living an honest, upright life in the community. In most instances, there are very few opportunities to do that. This is why a lot of our prisoners at Northward Prison—and the majority are young Caymanians—are repeat offenders.

I am not taking the blame. That gentleman was given the responsibility for prisons. If anything goes wrong, he's the man who needs to be held responsible.

Madam Speaker, I am going on to another area, and I will be a little while. I don't know if you want to take the lunch break now, and I can continue when we resume.

**The Deputy Speaker:** Proceedings will be suspended until 2.15 PM.

#### PROCEEDINGS SUSPENDED AT 12.47 PM

#### PROCEEDINGS RESUMED AT 2.40 PM

**The Deputy Speaker:** Please be seated. Debate continues on Private Member's Motion No. 5/00, as amended. The Third Elected Member for West Bay continuing.

**Mr. John D. Jefferson, Jr.:** I mentioned in my opening remarks that the present dealings at Northward Prison by the Chief Secretary is a perfect example of crisis management. I also feel that the incident on 30 September and 1 October could have been prevented if the honourable member had taken appropriate action when he was warned that there were signs of pending trouble.

One thing I have never been accused of is of being personal with anything I do. I call things as I see them. You might not like it, but that's how I am. Over the 12 years that I have been here, I have been able to successfully separate the personal from the political. The Fourth Elected Member for George Town and I are good friends, but I can tell him politically that I don't agree with certain things he says. But that doesn't mean that I am going to come to that conclusion because he did something to me personally.

Some people in this world believe they are above criticism, reproach, and correction. In my debate on the Throne Speech, I called for the responsibilities such as prison and police to be put under an elected minister of government. The reason is because if an elected minister messes up the general public can deal with him in four years' time. The same situation does not hold true for official members. But they have responsibilities that affect you and I on a daily basis. But they don't have to answer to anyone. They don't go to the polls every four years. We do.

On 1 October 1999, the incident that took place damaged this country to what extent only time will tell. The impact that incident will have on our survival [remains to be seen]. It was nothing personal. For example, as you are aware I am a shareholder in two fairly successful businesses in this country. I have general managers who are appointed or employed to take care of running those operations. I enjoy a good relationship with my staff. Socially, anything I can do to assist them, all they have to do is ask, and I do it if it's within my capacity. But they all know that if they mess up I will fire them. They understand that. And because of that we have a very good working relationship. I don't have to go in every morning and check with them, they understand that I am holding them personally accountable for their responsibilities.

On 1 October, I was one of two elected representatives (the other being the Fourth Elected Member for George Town) who felt that the right call was the resignation of the Chief Secretary who was personally responsible for the administration of the prison and the police. It was nothing personal. I think we need a system in this country that allows that kind of action to take place when we have these problems. None of us are infallible. We must all be man enough to be responsible for our actions, or inaction. And be prepared to deal with the consequences.

I called for that resignation based on what I saw take place at Northward Prison, also recognising the impact that would have on our social and economic and financial activities in this country. Nothing personal. I called for it again during my debate on the Throne Speech. I have not changed my mind after reading the expert's reports. I know the efforts and concerns of this Legislative Assembly in regard to what was going on at Northward Prison. It was just a matter of time. But it was caused by the Chief Secretary's office not taking the appropriate recommendations and implementing them to head off what happened.

I still feel the right course of action is . . . if I were in that position, I would have resigned. Nobody would have had to ask me to resign. What I resent, and I trust you will allow me to make a few references . . . what I resent—

**The Deputy Speaker:** Honourable Member, I will allow you to make a few references, once you tie them in with the motion.

**Mr. John D. Jefferson, Jr.:** I will.

I am calling again for the resignation of the Chief Secretary in this motion. The issue is still Northward Prison.

**The Deputy Speaker:** How does this tie in with the motion, is my question.

**Mr. John D. Jefferson, Jr.:** As part of the policy development. As part of looking at the overall leadership position.

I don't take things personally. But if anyone attempts, by allegations or otherwise, to damage my reputation personally, I take that very seriously indeed. But my calling for the resignation has nothing to do with personality, it has to do with what I see has not happened in regard to Northward Prison by that honourable member.

I resent any reference to the fact that challenges my integrity. I was surprised when that honourable member was debating the Throne Speech, and dealing with Northward Prison, I sat here and listened . . . and he was allowed to do so. I listened to that gentleman attempt to twist the facts concerning the reason why I called for his resignation. I called for it because of exactly what I mentioned in my debate here—he did not address the issue; it cost us over \$2 million. Somebody has to pay.

I listened because I couldn't believe what I was hearing when he stated the reasons why I called for his resignation. For him to put forward even the slightest idea that I called for it because he chastised me is the furthest thing from the fact. I made my first call on 1 October. I got a letter from him dated 7 January. One had nothing to do with the other.

Despite his resentment of my being here, I have been here for 12 years as an elected representative of the people. When I deal with an issue from this floor, I am dealing with it from the standpoint of what I believe is in the best interests of the country and people of these islands. It's nothing personal. But for him to attempt to make you or anybody else believe that I called for it other than dealing with the incident at Northward Prison is not correct. I have never under any circumstance ever been associated with anything that I felt—

**Hon. Truman M. Bodden:** Madam Speaker, may I just take a point of order please?

#### POINT OF ORDER

**The Deputy Speaker:** May I hear your point of order?

**Hon. Truman M. Bodden:** I would like to refer you to Standing Order 35 (7) "**The conduct of Her Majesty, members of the Royal Family, the Governor, the Presiding Officer, Members, Judges and other persons engaged in the administration of justice or of Officers of the Crown may not be raised or impugned except upon a substantive motion; and in any amendment, question to a Member of the Government or debate on a motion dealing with any other subject any reference to the conduct of any such person is out of order.**"

I would submit that the Chief Secretary is an officer of the Crown.

**The Deputy Speaker:** Honourable Minister, I thank you for pointing out that Standing Order. I was just about to ask the honourable member . . . I had allowed him a few minutes and he was going to combine what he was debating with the motion before us. I am not going to allow debate that has already taken place to be revived. I

would ask the Third Elected Member for West Bay to continue his debate on Private Member's Motion No. 5/00, as amended.

**Dr. Frank McField:** Madam Speaker—

**The Deputy Speaker:** I am not going to entertain any argument on the Standing Orders of Parliament. I appreciate the concern of Fourth Elected Member for George Town. I would ask the Third Elected Member for West Bay to continue his debate, please, dealing with the motion before the House.

**Mr. John D. Jefferson, Jr.:** You know, Madam Speaker, why is it that that same honourable minister sat here like everybody else when I was being chastised?

**Dr. Frank McField:** Exactly!

**The Deputy Speaker:** Honourable Member, would you take your seat for a minute please?

It is not the intention of this Chair to prolong this argument. I know I must listen to members' reasons, but it is not expected when one member is speaking against what one member has said for another member to get up to protect that member. It is the right of that member who is being chastised, or otherwise, to rise at that time on a point of order and tell the House that this is not the way the situation went.

I now ask the Third Elected Member for West Bay to continue his debate.

**Mr. John D. Jefferson, Jr.:** Madam Speaker, I respect your ruling. I don't agree with it, but I respect it. One thing God gave me is patience. I believe in such a thing as justice. Justice will rightly take its course.

Can I talk about myself, Madam Speaker? Or is somebody prepared to rise on a point of order to protect me from talking about myself? Madam Speaker, I really resent . . . I honestly really resent that the same rules do not apply to everybody. Okay? Like I said, I respect your ruling—

**The Deputy Speaker:** Honourable Member, if you would sit for a minute, I have not ruled under the Hon Minister's point of order. I ruled under the Standing Order that does not allow debate to be revived. Can we now drop this and move on with the debate on the motion before us please?

**Mr. John D. Jefferson, Jr.:** Well, thank you for that clarification Madam Speaker, because I got the impression that you had ruled I couldn't say what I was saying. I think I've said enough. Like I said, time will take care of a lot of things.

Let me point out that I have been wronged wrongfully by people before. As long as I know what I am doing is right, and in the best interest of the people, justice will prevail. I will continue to fight the cause on behalf of the people of this country. It doesn't matter to me who is

offended by what I say, or what position I have to take. It doesn't matter if I have to take the position by myself. It really doesn't matter as long as I know that I am doing it in the best interest of this country. What I am doing is right. That's important to me—that I believe what I am doing is right.

I hope that we see the changes necessary in regard to Northward Prison, but I resent the idea that we have to wait . . . and I have been here 12 years. We don't deal with issues until it's a crisis situation and it's going to cost us money or something else. Once it gets everybody's attention, we deal with it. This is a perfect example of that situation.

I trust that the issue of law and safety in this country will be given the seriousness I attach to it by those who are responsible for it. I look forward to seeing what positive changes will be implemented in regard to Northward Prison. But I have other forums available to me to deal with these issues. As I said, I resent any attempt by anyone to cast me in a bad light, especially if it's not true. And that's what has happened to me in this case.

**The Deputy Speaker:** Does any other member wish to speak? (pause) Does any other member wish to speak? (pause) The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Boddin:** Thank you.

This motion as amended deals with what is a very topical and political matter in the Cayman Islands. It is one that is very important to the Cayman Islands. It is important that we look at the facts of the situation and that we analyse those properly and that we then look at the debate that has been put forward. A lot has been said as to what has caused these problems in the motion and the amending motion and as to what should be done.

If we first look at the report that was done by Sir Stephen Tumin in October 1999, paragraph 11, which says, "**Why it happened: The fundamental reason for the trouble has been overcrowding—a major prison evil wherever it occurs.**" That sets out the fact that the prison itself is overcrowded and one that once it arises is a major prison evil. Therefore, these reports have clearly borne out what the problem is, the major reason being overcrowding.

That is a decision made by a person who is an expert in prison matters. Sir Stephen Tumin was one of the UK Chief Prison Inspectors and he, in my opinion, is in the best position having done a report on this that was called for by the government, by the Legislative Assembly, on the matter, and he has referred in what is not really a very long report to what he regards as the main reason. Therefore, if the problem was overcrowding, as I think everyone has to accept, and a lot has been said about the social aspects or philosophical aspects, the theories relating to this, but this is the fact coming from the person who did the inquiry into these problems at

the prison. I think everyone in here needs to accept that as the main reason.

What was government's duty if it was overcrowding? Government's duty was to build more accommodation to house the prisoners. It matters not at this stage how many theories are advanced at why prisoners are in prison. They were there when this government came in, many of them, and they are going to be there are future governments go on. So there is no use in taking the approach that I submit was taken by some members of the opposition, saying that prison accommodation should not be built because the prison should not have had so many prisoners in it.

It has been overcrowded for some time. Government's duty is clearly therefore to build new accommodation. Government has been trying to do this for a very long time. We have put forward on several occasions in Finance Committee votes to build the male cellblock to upgrade the present prison, to extend the prison, and more recently, we have been able to get a decision at looking at acquiring adjoining land. So government clearly is to provide more facilities to avoid the overcrowding.

We brought that to this House on several occasions. I don't expect to go back into every time it was done, but it is recorded that we brought votes for this several times. These were either whittled down by the opposition. And in Finance Committee, the backbench is ten out of 15 members, government becomes five members.

To quote the support of what I am referring to, I want to begin with the debate on Private Member's Motion No. 1/94, Support for Government's Announced Inspection of Northward Prison, the [unedited] *Official Hansard Report*. An inspection was called for quite awhile back. This is found under a statement . . . (Pause) I had better come back to this to make sure I have the right date. (Pause) It seems to be a *Hansard* with no page numbers.

*[Members' laughter]*

**Hon. Truman M. Bodden:** Let's go on to see when we put this up much later on in the Standing Finance Committee of 20 April 1998, and really see who supported the prison getting extra accommodation, which is the solution government put forward and those who did not support it.

At page 25, we find where Mr. Roy Bodden said, **"So, I have no apologies to make. I am not voting for this \$400,000 to go to any cellblock extension at Northward when it could be better spent providing Caymanian school children appropriate and much-needed facilities."** Very clearly, that shows no support.

Another quotation on the following page from Mr. John Jefferson, Jr., **"I also respect the idea of the Chief Secretary coming here to defend his position and this money for the cellblocks. However, even with that, I am not prepared to support this."**

The position at the end, page 44, is Dr. Frank McField (who is asking me to name a few more) voting No on this vote, as well as Mr. McKeever Bush. What ultimately happened on this, from what I remember, is that we attempted to strike some compromise in an effort to get something through. On the division that clearly shows.

The problem therefore, in very simple terms, is that despite what the opposition has tried to say there has been a clear opposition to building more cells at Northward. Therefore, I submit that the problem arises from the fact that there has not been support from the opposition to build further cells at Northward Prison. If we had been permitted back many years ago to put forward and build the necessary cells at Northward Prison to hold the prisoners, the prison riots would not have occurred. The problems at the prison would not have arisen because the expert on this—and he is the expert who did the inquiry in October 1999—stated that the fundamental reason for the trouble was overcrowding which is a major prison evil wherever it occurs.

That, in a very concise way, puts the record straight. The government advanced time and again votes that were either reduced, as in the case of the reference I made earlier, or refused on the basis that the money should go somewhere else. In the end, the cost for that was very heavy on the public in terms of money and worry during that very trying stage when the prison was burned and we had rioting.

Much has been said about whom should be blamed for this. It's easy after the fact (hindsight is 20/20) to point fingers and say that things should have happened. I will give the clearest one: If the male cellblock had been built, then this problem would not have arisen. Throughout the report of the review as well as the Gibbard Report, we find references to the Chief Secretary's office. That is throughout, right from the beginning of the report. It clearly brings out at the end of paragraph 1, at four places to what should be done by the Chief Secretary's office.

The reason for that is once again clear, in that the responsibility as I understand it for prisons had been delegated to the Deputy Chief Secretary who had responsibility for it. In this House obviously the Chief Secretary, or the person acting is the person who would have to answer in the House. Very clearly brought out and actually laid on the Table of this House was a confidential memo from the Deputy Chief Secretary to the Chief Secretary dated 21 May 1999 in which the Deputy Chief Secretary, over quite a few pages, has dealt with the report and with the criticism in that report. In effect, in many ways we find that he too had frustrations about what was happening because he too obviously realised that funds were needed to expand the prison.

In fact, at page 6, in the conclusion he says, **"I accept that Northward Prison has not received the level of financial support that increase in level of demands within the institution justifies."** So, really, the person with responsibility, the Deputy Chief Secretary himself, in his memo to his superior, the Chief Secretary, has also



brought this out. This was back in May 1999, so this would have been about the earlier problems.

In fact, at paragraph (c) . . . (pause) . . .

**The Deputy Speaker:** Honourable Minister, would this be a convenient time to take the afternoon break?

**Hon. Truman M. Boddén:** Thank you, Ma'am.

**The Deputy Speaker:** Proceedings will be suspended for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.30 PM

#### PROCEEDINGS RESUMED AT 3.51 PM

**The Deputy Speaker:** Please be seated. Debate continues on Private Member's Motion No. 5/00, as amended. The Honourable Minister responsible for Education, Aviation, and Planning, continuing.

**Hon. Truman M. Boddén:** The position has really been reached where I accept, obviously, that many of the programmes they have in place, the Chief Secretary and Deputy Chief Secretary, are important. Members on the other side of the House obviously have concerns there, and I think everyone does. But a lot has been done in many of these areas. I don't intend to get into them because the Chief Secretary has outlined these. In fact, they have been fully reported in the paper today.

Matters such as education are important. As has been said, the education building is now being put to use for classes. Better security is obviously needed. The reviews being looked at in relation to periods that prisoners remain in, and along with this are the inducements the new prison director has put in place such as a special block in which prisoners who behave and do things can earn the opportunity to go into that block where there is less security and a lot more harmony, I would think, and less crowding.

Like other members here, I have been up to look at the prison. Undoubtedly, it is no good to say that other measures are going to solve the problems of prisoners who are already in prison or who, under the sentencing system, are being sent there. The harsh fact is that there were nearly twice as many prisoners in the prison as it was built to accommodate. My message, because I note that several members talked about other things that should be done, is that that's all well and good. But the reality of the situation was and continues to be that there has to be an extension to avoid the overcrowding.

All of the other things that go along with that are important. But we have had a period here of finger pointing both at people and at government as to where the problem arose. I would say that after we have seen the damage that resulted, which cost far more than it would to have built another cellblock. In fact, I understand that what is planned is a maximum security cellblock that will be going (subject to planning and whatnot) on property adjoining.

But in these reports you will see that I actually tried to get the money through for the male cellblock at that meeting that I read from earlier, 20 April 1998. I tried to get a lot of other things at the time mainly because Finance Committee doesn't have the Chief Secretary in here. I think that's what the Third Elected Member for West Bay was commending the Chief Secretary for—for coming to Finance Committee to deal with it. It was not a subject for either of us here. Some very small things, such as the upgrading of electrical, and some blocks needed exhaust fans to make them more humane . . . in fact, I think that was a vote of only \$20,000 for some electrical and fans. That hit resistance in the House.

I guess my message is simply this: It's all right to put forward solutions to problems. But unless you fix the main area of the problem that exists, if that problem of overcrowding had not existed, I could have understood members saying no money for the male cellblock. But it did exist. That was a fact of life. That was undoubtedly what caused the riots.

The House has now appropriated a large part of the funds with the last supplementary appropriation. That should have been done a long time ago. At least now two things have become very clear. First, the Legislative Assembly as a whole has now gone ahead and done what the government over many years has urged be done—build the new male cellblock, upgrade the fencing, upgrade the facilities.

*[Inaudible comment by the First Elected Member for George Town]*

**Hon. Truman M. Boddén:** There was money last year to start it, but the riots were—

**The Deputy Speaker:** Can we stop debating across the floor please?

**Hon. Truman M. Boddén:** Sorry, I was just trying to accommodate the honourable member.

**The Deputy Speaker:** I am speaking to both members.

**Hon. Truman M. Boddén:** Thank you.

The problems arose before that, from the time the first problem started nearly two years back it became obvious what the main problem was. And that problem was clearly borne out, with all due respect, by the Chief Secretary time and time again. I bore it out in the minutes I read from because I was in the House at the time trying to defend government's budget. That vote was slashed.

I don't intend to spend a lot of time on this because I think the simple answer is, first, it is no good to try to blame the government or the chief secretary or the deputy chief secretary when the solution to the problem was clearly put to this House a very long time ago, which was that there was overcrowding and more accommodation was necessary. Rather than members trying to point fin-

gers at government, indeed, this is one time that that finger has turned and clearly pointed to them.

However, pointing fingers doesn't solve the problem. Happily, we have now gotten on to the solution, which is to build more accommodation while trying to reform the sentencing system, reform the community service orders, the many areas of alternative sentencing, and to progress with education and rehabilitation. I think we are now on the right path. We cannot take the view that with the large amount of prisoners in there, and that have always been in there, that overcrowding didn't just start when the riots came. Overcrowding came about a very long time ago. In fact, probably for the last ten years or so, I would estimate, there has been overcrowding.

Each government has seen it. I don't know what course the previous government took, or what problems they may have hit with it, but I know that this government has tried to rectify that problem for many years. The public knows that there is no way to point blame on this government or the chief secretary by saying we should have solved the problem when we all know that the solution was very clear as the expert, Judge Tumin, said it was overcrowding. Secondly, I really think the time has come when we have on this very important subject to try to stand behind the policies and the director of prisons and the staff and the government department relating to the prison and just try to support and go forward.

Obviously, as I said it's easy to point fingers. But sometimes those fingers point right back at one's self. That is sometimes the self-imposed punishment of that kind of attack. My message to the people of this country is that we have had problems. I think it's our duty in the Legislative Assembly to pull together and continue to vote the necessary funds needed and support the necessary reforms that have been put in place or that are coming, and move forward with a positive attitude and hope that we do not ever see this type of problem again.

I think we have to thank the good Lord that this did not get much worse than it did. It could have gotten considerably worse. We must be grateful that things did not get any worse. I don't think that type of matter is one that is to be taken lightly, but I believe our duty is to produce the solutions to it and to assist everyone in ensuring the security of the prison. It is a place that is strict yet it has to be fair, providing the basic necessities of life. That's why I pushed for the exhaust fans at the time and I support the extension of the prison. I believe it would have been the solution back four or five years ago. I believe it is the solution now. It's going to be the solution for some time to come.

**The Deputy Speaker:** Does any other member wish to speak? The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I really did not intend to speak, because other members covered the areas I was thinking about. However, I think after listening to the Minister of Education that I have to say a few words.

First of all, the government has an awful habit of amending private member's motions when the motion

puts them in a spot. I say it's awful because all that happens is that government gets what it wants, has its way, whether or not it's a waste of time, money or human resources, or whether or not it gets the job done. It's an awful habit and not much has come out of it.

I am happy to know that matters that led to the chaos at Northward Prison are being taken in hand. I have already said that the burning of the prison is an indictment on the manner in which the country is being run. I will submit that for an Executive Council to sit back and allow law and order to break down without doing anything is an indictment on the government. And that's what happened: They sat here and watched in on TV.

I agree with the honourable Chief Secretary, that one must learn from mistakes made. I agree. All that the Minister of Education did was keep repeating about the few cellblocks, how that was the main problem and that's what caused the entire problem, according to him. He did nothing for the last three-quarters of an hour. I can't see how the burning of the prison stems solely from the lack of space. Maybe that was part of the problem, but certainly not the root cause of the problem.

For how long have members asked for new sentencing options? For years! For how long have we asked for better sentencing options that would have been the main agent to stop overcrowding? From the time I entered this House in 1984, we were asking from them. When I was in Executive Council we were asking for them and members of the backbench and of the opposition were asking for better sentencing options. As I said, this would have been the main agent to stop overcrowding. But were they worried about overcrowding?

If the many crimes had a different sentence, rather than locking them up by the dozens, rather than making the sentence to pave the roads or paint the schools and town halls, civic centres and such jobs, they lock them up in prison then they come here and say let's build a bigger prison, let's pack 'em in by the dozens, that's where the problem lies.

What is causing such a large number of inmates in such a small country? That is the question that should be answered from a policy position. Are we just going to continue putting up buildings? Are we going to continue building more cellblocks to house more and more people who burglarise, rape and kill? Is that what they want? Is that the solution the Minister of Education was talking about?

**Mr. Roy Boddén:** That was it!

**Mr. W. McKeeva Bush:** Was the overcrowding limited to physical overcrowding, or overcrowding without corresponding staff complement, according to Judge Tumin? I submit that is the kind of problem that caused the chaos, the riot, and the refusal to act when they heard that certain things were happening. Yet, we have the Minister of Education get up here and say "It is my belief . . ." We heard him say that for the last three-quarters of an hour. This all had to do with a few cellblocks, that's what caused the problem and the country has to hear that.

Oh, if we could sell them for what they think they are worth and buy them for what they are actually worth when they come with such rot!

I contend that the main problem at Northward Prison in regard to the burning and other criminal acts is that the kind of policies to deal with ongoing and increasing criminality in prison was not put in place. That is the problem. The criminals control the prison! You tell me that cellblocks is the reason we have more cocaine in prison than you can buy on the streets; more ganja in prison than you can get on the streets. Was it because of the absence of cellblocks that people were not put on special programmes to bring them out better than when they went in?

The Minister of Education should run and hide. That's exactly what he's done!

*[Members' laughter]*

**Mr. W. McKeeva Bush:** Yes, I was in Executive Council. But my five years are well documented. If I had had support . . . because I contend that what this country should be about is prevention—stopping them from going in! And that is what McKeeva Bush was attempting while in Executive Council. I was about putting the social programmes in place that impacted upon our young people. I was about putting Cadet Corps in place. I went to Bermuda to look at theirs. I brought back the idea and gave it to government and they couldn't support it. Why? It was going to cost too much money.

**Mr. Roy Bodden:** Preach, McKeeva, preach!

**Mr. W. McKeeva Bush:** It might have been a stop-gap measure, but I tried to put a day care centre for the mentally handicapped at the Thompson Apartments by Jose's Esso on Crewe Road. For six years, seven years now, they would have been better off because they would have been treated properly. They would have had their own centre. And it was well planned by the hospital staff and the mental division there. Did I get support for that? Yes, I got support all right: I got a paper to council and had to take it back

I can tell the world that I tried to get things done as far as my responsibilities were concerned. What happened to Project Prepare? Was any emphasis put on that after I left? Or did they just have a party when they kicked me out? What happened to it? That was supposed to help them get jobs and see that they were doing the right things. What happened to that?

When you come to space at Northward Prison, there was sufficient space to eat. And for recreation, one of the main things for those incarcerated, they had sufficient space for recreation. But I come back to the point about the ongoing criminal behaviour. What about the absence of programmes to bring them back into the community as persons who can live according to norms in a law abiding community? Are they given sufficient changes to rehabilitate while in prison? You have to deal with the elements causing the problems.

Don't talk about space being the root cause for a number of years. They heard the various problems. Those things are not new. Let me ask what about the death at Northward Prison? Was that because of space? What about all the other things that went on there—ongoing criminal activity? Was that because of space? Or was it because of a lack of policy dealing with criminality in the prison? Our national security was threatened because of the lack of a few cellblocks? I don't think so.

I am happy for the initiatives that have been taken. And I agree with the Chief Secretary that things happen and you could stand here and point fingers all day long. What has to be done is to get the problems fixed. Let me tell you something about expenditure, because I heard the Minister of Education say the prison went down just because of the need for more space, and that space was the solution.

The dishonesty in that speech was borne out when he read part of what members said from the *Hansard*, and when he read part of who voted for the \$400,000, or didn't vote for the \$400,000. There were more members than the Third Elected Member for Bodden Town and I. He would not read the reasons we gave. We said give us the programmes. And beside that, I would like him to tell me whether the \$400,000 could have built the cellblocks. We know that could not have built it. And where did the budget come from? Executive Council. It came here with insufficient money.

Don't get up and read part of a *Hansard* to make people believe that some people did some things when he well knows there were others who raised questions. But had he—who was an Executive Council member—put sufficient funds in there to build the cellblocks, plus state the programmes, it might have gone through.

**Dr. Frank McField:** Two civic centres in East End.

**Mr. W. McKeeva Bush:** Yeah! Two civic centres in East End, five in Cayman Brac! A limousine here, a limousine there; a trip over here, a trip over there; one today and one tomorrow, and we are all having a joyful time while Northward Prison burned. Nero fiddled while Rome burned also, Madam Speaker.

But when they come and talk about expenditure, when they come here to say that members would not vote funds for the prison . . . let no one in this House or this country believe that the error ever was a shortage of funds by this country on prison and police. Because in the last 12 years, including this year, we spent over \$160 million on the two, and well over \$50 million on prisons.

When a country as small as ours spends that kind of money, and we still end up with the ongoing criminality, it means that policies are not in place. It means that the Cayman Islands—and this is fundamental—is not dealing with criminals the way they ought to. That is the problem. If we had the force to sufficiently deter them, and the programmes in place for prevention and then sufficient weight of the law to scare them, it would be a different thing.

Since they say they are so bad off, in what country can an inmate sit in the prison and call members of the House of Representatives by cell phone? Where, other than Cayman, is that happening? There were enormous telephone bills at the prison emanating from cell phones that the country has to pay. What kind of policy is that? Are you afraid to deal with criminals?

There's a whole basketful of reasons and things that happened in there that should not happen. And this country is soft in certain areas. That is why this kind of thing is going on. Either we are going to decide that we have a prison tough enough to deter people from wanting to go there, but human enough to bring them back into the community as law abiding citizens . . . we need both.

I don't have much more to add. But I don't think that anybody can get up and say that it was the lack of a few cellblocks why the prison got burned down. By God, the police force stood by and watched it. Ministers watched it on television. I often ask why Her Majesty's Navy not brought here, the one that circles the region. I didn't ask officially, but it always comes to mind that here we were in the midst of a riot, and we have no assistance of our own, why were they not called in? Maybe someone can give me a reason why, but had I been in Executive Council I would have tried because we needed something to quell the problem before everything was demolished. It went on for a period of days.

All of this amounts to one thing: and indictment on the way the country is being run. I say that they either deal with criminals as criminals, and deal with those who have minor crimes differently, or we are going to come back to the same problems we had. There are elements there who can control and get it to the point where it's mashed up. How long have they been talking about dealing with the foreign elements? And then they took hostages? Was that because of a lack of space?

No! It was the parole policy. Madam Speaker, we go right down the line—deaths, hostages, suicide. Was that because of a lack of space, Mr. Minister of Education?

**Mr. Roy Boddén:** Ask him again, he didn't hear.

**Mr. W. McKeeva Bush:** No! It is a lack of policy to deal sufficiently with the criminal elements and other underlying social elements in the prison that have gone wrong.

They built not a prison but a prison farm. Don't let the Minister of Education blame anybody because he's been responsible for social policy longer than any single individual in this Legislative Assembly. And the things that were necessary to stop some of this were not put in place but hindered when somebody else tried to do it.

I hope that this review that government has amended to call for will tell us something other than what all the other reviews and studies and investigations have. I hope. Can they get it to us in 90 days? I see they didn't amend that part of the motion. Can they get it to us in that time, since they have amended it? I don't know. I would hope. I see the Chief Secretary shaking his head, saying he hopes he can.

I trust the Chief Secretary will get the review and that it will be one of policies, not just to point out the need for more space. Dig deep to find out why we have the kind of criminality ongoing in Northward Prison. Thank you.

**The Deputy Speaker:** It is one minute before the hour of 4.30. I will entertain a motion for the adjournment of this honourable House.

## ADJOURNMENT

**Hon. Thomas C. Jefferson:** Madam Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

**The Deputy Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.29 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 6 APRIL 2000.**

**EDITED  
THURSDAY  
6 APRIL 2000  
10.35 AM**

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

*[Prayers read by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]*

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Deputy Speaker:** I have apologies for late arrival of the honourable Second and Third Official Members. I have also received apologies for absence from the Second Elected Member for Bodden Town.

**The Deputy Speaker:** Debate continues on Private Member's Motion No. 5/00, as amended. Does any other member wish to speak? (Pause)

If no other member wishes to speak, does the mover wish to exercise his right of reply? The Third Elected Member for Bodden Town.

**OTHER BUSINESS**

**PRIVATE MEMBERS' MOTIONS**

**PRIVATE MEMBER'S MOTION NO. 5/00  
AS AMENDED**

**CONCERNS WITH THE OCCURRENCES AT  
NORTHWARD PRISON**

*(Continuation of debate thereon)*

**Mr. Roy Bodden:** I am happy that this motion has evoked the sentiment and debate that it has. I would like to express my appreciation for the support received from my colleagues on the backbench who have all demonstrated an understanding of the problem and who empathise with the crises that we are now faced with regarding imprisonment and the role Northward Prison should play in our society.

As I listened to the government, I could not help but reflect on the original position of the motion. It was not only relevant, but also crystal clear: There is not only an absence of any coherent policy, but an absence of policy period! I wonder why, when members of the backbench bring motions casting government in a light where it has

to justify its lack of certain actions, government always insists on changing the motion—as if what the motion called for was a personal reflection.

Since asking questions concerning the operation of the prison, and to a lesser extent the operation of the police, I notice that the honourable members responsible for answering those questions take the attitude that it was a personal affront, as if to try to intimidate me from carrying out my democratic right. Well, I am not intimidated! And the day that I do not wish to carry out my duties as the representative of the people of Bodden Town, and by inference the wider community, I will either relinquish my post by resigning, or, if it's near election, I will not contest the election. Otherwise, as long as God gives me the breath, and I hold the authority to represent the people, I shall do so to the best of my ability.

I am civil. I am polite and understanding. But I will not flinch from raising questions and criticism when I think it should be raised. I make no apology if people take umbrage. I am not doing anything personal to them. I don't give a hoot! And while I am stopping short of steps that other honourable members took (that is their democratic right to exercise), calling for someone's resignation is par for the course. People call for mine. People threaten to vote me out. I try to justify why I should be kept in my position.

I am disappointed that on both the elected and official sides this attitude prevails. That is why we need a different breed of people in government. We need people in government who when put to these kinds of tests, will get up and state the reason why they should be kept in their positions and state what they are doing, or trying to do.

It is critical that we understand that prisons play an integral part of any society. But the role goes beyond warehousing people. I have to commend the speakers that rose earlier for the maturity of their comments and the insight they offered. I want to begin by hitching up with something offered by the Fourth Elected Member for George Town. That honourable gentleman put it in more eloquent terms than I ever could when he said that we have to find out where the underlying causes are.

I heard the Minister of Education poke a little fun at theorists. I hold contempt for people who frown on knowledge. And, quite frankly, I am disappointed. The Minister of Education should be ashamed of himself if that is the attitude he takes toward intellectual and educated people. How can education progress, prosper and move forward in this country?

Some people seem to believe that the only criterion for success is millions of dollars. Well, Madam Speaker, more power to those who have millions of dollars. I want

to be surrounded by my books, by discourse; I want to be surrounded by knowledgeable people, by intellectuals. I hope that's the kind of funeral I have. I don't want to be buried with a casket full of money!

Let me get back to my point. I am saying it is futile for us to continue, and it's a bankrupt solution if we think that every year we should be adding on more prison cells. Do you know what will happen? The numbers will increase to fill the cells. And soon the whole Cayman Islands will be one huge prison. That is why credence must be paid to the argument given by the Fourth Elected Member for George Town. We have to find out where this cause lies.

Is it breakdown in the family? Is it breakdown in the educational system? Is it breakdown in the social structure? Maybe it emanates from a breakdown in here, Madam Speaker, as is obvious when we don't understand and say that the solution is to build more prison cells. You can laugh at the theorists, but anyone who has read Francis Fukuyama's *The Great Disruption*, talking about the United States, . . . this whole change towards crime and social behaviour and social expectations in society made a rapid transformation from the time they went from the agricultural to an industrial society. And then when technology came in, different demands were made upon society crafting and breeding a different breed of human being. That is where the breakdown began.

Emanating out of that was a discipline called sociology, which has to do with the study of man's behaviour in society. You can put the sociologists down, but you can't solve the problems adequately without them. So, not only lawyers are important, sociologists are important too, just like teachers are important and doctors are important. Out of that came a whole slew of commentators, some more famous than any of us will ever be—Émile Durkheim, Max Weber, George Simell, Robert Nesbit, all these people.

What we are talking about is not isolated to the Cayman Islands because other countries face these problems as well. When we say the solution is to build more prison cells, we don't understand the root cause of the breakdown—human behaviour. We have an increase in young people who feel alienated. Anyone who walks the streets can tell you that. Do you think the way to deal with that problem is to build more prison cells?

Yesterday I heard about a breakdown at the middle school. A whole class had some problems. This is where it begins. And it even begins earlier than that in the homes. So, if we want to find effective solutions to what's happening at Northward Prison—and what happened on September 30 and October 1—we have to begin our investigation there.

The whole Cayman Islands society is the laboratory. We are not going to understand what happened at Northward Prison unless we understand the whole societal functioning and see the interrelation.

But they laugh.

I know those leaders are dinosaurs. They have to go! They have to become extinct! I am calling for a new

breed of leaders. And these leaders don't all need to be intellectuals like the Fourth Elected Member for George Town. They can be people like the First Elected Member for West Bay who has a tremendous practical sense.

Where is Project Prepare, to prepare prisoners to fit into mainstream society by equipping them with marketable skills that can help them realise a sense of dignity and self-worth? It was scuttled by his colleagues!

We haven't made any progress. We are in the same spot we were 15 years ago. And they are talking about being kept in their positions because they are the only ones who can lead? Well, you show me the clause in Adam's will that states that.

In 1992, the National Team (of which, regrettably, I was a part) had this to say in its manifesto about crime and corruption: **"5. To support programmes for the compulsory education of prisoners and a defined work programme for prisoners."**

In 1996 (when I was, happily, conspicuous by my absence), here is what they said, **"Fight Against Crime, 7. The future 1997 to 2000: Continue programmes for the compulsory education of prisoners and a defined work programme for rehabilitation of prisoners."**

Madam Speaker, if I sit down for 30 seconds, I wonder if someone from the National Team would tell me where their "defined" work programme for rehabilitating prisoners is?

(Pause)

**Mr. Roy Boddén:** Madam Speaker, there is a roaring silence—a scathing indictment of them!

Do you know what happened? They can't walk the walk, but they can talk the talk! I heard the Minister of Education—the Leader of Government Business—say on a number of occasions: "I'd rather live a sermon than hear one any day." Ha! It is a poem. It is no more significant than when you are reciting it. And he's good at that—talking the talk but not walking the walk!

Prison was never meant to be a country club. Here is what prison was meant to be: A humane institution, the motive and objective of which is to prepare persons who owe debts to society to return to that society in improved ways so they can function as not only law abiding but as productive citizens. That is why I have to draw reference to the mission statement of Northward Prison. You can't have a live, functioning organisation with a mission statement that has been stagnant from its birth. Ask the Fourth Elected Member for George Town.

It demonstrates no growth, no transformation. The whole society is growing and changing. Therefore, the mission statement of Northward Prison should be doing the same. The lawyer can't see that? People who have 25 years in high finance can't see that? We can see it! Maybe it will be our turn to lead. I hope so. I look forward to that.

I am going to go back in history. I knew a long time ago that there was a limitation of ideas on that side. Some years ago I read in a newspaper where the Leader of Government Business went into a section of his com-

munity and was meeting the people. Do you know what he told them? In what I call a "challenged" section of the community, he told them that he was increasing the numbers of the task force. He said that in an area I would have already thought was sensitive to that kind of thing.

Here is what I would have addressed. What any sensible, well-meaning and empathetic leader should have said was *'This area is going to be earmarked for a model community. We are going to set up some townhouses and an outdoor community park with some basketball courts and day care. We will see how that works. And if that model works, we are going to transpose that model to some other sections.'* But he told the people—some of whom have brothers and sons at Northward Prison—that he was going to send in more numbers to crack their heads. Give me a break!

That is why Northward Prison is in the state it is in. And that is why the country is in the state it is in today. We have leaders whose ideas are bankrupt! They can't see the problem because they are too busy amending motions so there's no *personal* reflection cast! I say that when you are in leadership positions you must expect criticism. You must prepare to defend your policies. And you can't be right all of the time because men are not angles. But men can defend their positions, and when they make mistakes, they can admit that they made mistakes.

My powers of observation are very keen. Yesterday, there was some snickering, bantering, and bickering over there. I know the source. But I would be incredibly stupid if my friendships did not expand to where people with whom I had differences with years ago have now become my friends. That's politics. And I read Machiavelli. I would be stupid to go around making unnecessary enemies in an election year.

There's another point that falls into this general category that I want to comment on. One of the things we have to learn as members of this parliament is that there are certain parameters in which we operate. I see how allegiances change, and what I call symbiotic relationships, and situations which provoke what the sociologists call situational ethics, but I could never be so cannibalistic that I would sacrifice my elected colleagues and let them suffer what I saw happen here some days ago.

By the same token, I could never encourage any elected candidate to embarrass an official candidate. I have always said that in spite of all the differences we have this is a fraternity. We have to operate on the basis of mutual respect. But what I saw happen some days ago was circus behaviour, gladiators right out of the days of Rome where humans were thrown to flesh-eating lions and people laughed. That goes beyond dignity and does not speak well of any of us inhabiting these hallowed halls. Certain things should never be subject to outside exposure.

So, when it suited some people they jettisoned their colleagues. Pirate behaviour! It's no wonder that our prisoners cannot be rehabilitated.

Back to the business at hand, now that I have vented my spleen sufficiently.

Right now, there is a big furore in New York because there is a senatorial race being contested by two well-known personalities. One is a man named Rudolph Giuliani, the Mayor of New York City. Prior to that, he was a very famous prosecutor for the State of New York.

One of the things Giuliani is campaigning on is that he has drastically reduced crime in the City of New York. He has brought order and security to the streets. Also, he has made sense out of the prison system that was far worse than anything we have in the Cayman Islands where violence was a way of life.

Certainly, when you think of certain institutions like Riker's Island and Attica, and all these other places . . . According to *The New York Times*, of Monday, November 8, 1999, . . . and if the Serjeant would be so kind, I have a copy for you and one to be laid on the Table.

The people of New York had worse problems in their prisons than we have. What did they decide to do? They decided to adopt a systematic approach to violence and disorder in the prison. According to *The New York Times*, they adopted an iron hand. The article reads, **"Behind Bars, an Iron Hand Drastically Cuts Violence."**

One of the things they did was identify and isolate those prisoners who were violence prone. They decided to treat them in different and special ways. One of the methods they adopted for those prisoners who had a habit of slashing, cutting, and striking other prisoners was to use a special mitt that they handcuffed their hands into. It handcuffed their hands together so that they were unable to strike at guards and cut their fellow prisoners.

Another thing they did was to design a special chair for searching prisoners. When they sit in that chair, which has a metal detector, they can detect metal hidden in the most secretive orifices of the human body.

They used other methods for confrontation. They have a special shield that disables those unruly and rowdy prisoners by stunning and temporarily disabling them. They adopted significantly more sophisticated methods of screening visitors and prisoners prior to and after their visits. And, they were quick to withdraw and deny privileges to prisoners who failed to live within the rules of the prison system.

The system is not ideal. But if one were to read this article, it certainly is a lot better than it was. That is even by the account of present as well as ex-prisoners. Their system is a little bit different from our system, and that is what I want to talk about. Personally, I do not believe that all of the shortcomings in our system should be borne by the honourable First Official Member. It would be unfair to lay all the blame at his feet. But I want to be candid and constructive in my analysis.

In jurisdictions like New York, they have what is called a commissioner. His sole responsibility is the running of the prisons. Of course, it's a larger area with more money in the budget, but that person has only one job. Therefore, he is able to concentrate on that one par-

ticular aspect. Although there are numerous prisons, he only has one job. He has a big office and a big budget. So we cannot compare our situation to that, except to say that the responsibilities and the assignment of the responsibilities are a little different.

In our case, the primary responsibility for the prison lies with His Excellency the Governor who assigns responsibility to the honourable First Official Member who answers to Parliament. In his absence, he delegates responsibility to his deputy. So, we have a system where responsibility filters down. But, in addition to this responsibility, these officeholders have other responsibilities. Our system being the way it is, they are physically separated from the prison relying on telephone communication, or visits by themselves or by high-ranking officers of the prison.

Unfortunately, our system is constructed so that when something goes wrong it might take hours before the persons with responsibility to Parliament know. Certainly, they are not expected to dip into the day-to-day running of the prison, they are mainly concerned with the policies. But those policies should emanate from the governors of the prison as much as from those legally and constitutionally responsible because the persons who run the prison are the technical advisors of the persons holding constitutional and legal responsibility. Our system has a weakness in that those persons, because of their other responsibilities, cannot justifiably be expected to concentrate only on the prison. They have to share their time equally. And they realise the problem.

But that does not exonerate the elected government, whom I believe has some responsibility to help out in the arrival of objective policies by communicating and keeping in touch with the official arm of government, letting them know what the people on the street expect and say so that when budget time comes the proper fiscal allocations can be made.

Now, for anyone to attempt to blame me for the fact that money was not voted . . . well, I am going to do with that what Pilate did when our Lord was brought before him at the trial—I am going to wash my hands of that responsibility. I cannot take that responsibility. Certainly, it is not playing upon my conscience. Yes, I was one (and I will never deny it) who was not prepared to vote that money. What the Minister of Education read yesterday stopped short of why. I said it was because I wanted to see programmes and rehabilitation policies put in place before I voted the money. I suggested, as he accurately read, that we use the \$400,000 on education!

I believe that the reason we have increasing numbers of prisoners at Northward is a fundamental failure in our education system. I will go to my grave believing that!

**Dr. Frank McField:** And recidivism!

**Mr. Roy Boddén:** And recidivism.

We are turning people out of our schools who cannot read and write. Not only can they not read and write, but they have no marketable skills. They already come

from environments that are physically deprived of certain things. So they have to look to the schools, and when the schools fail, what can they do? That is why, honestly, I cannot even blame some of these people. They are ill prepared. They have no alternative. As much as I want to see justice done, sometimes I have to be sympathetic.

Were I to call for any resignation, I would have to include the Minister of Education.

**Dr. Frank McField:** The Leader of Government Business!

**Mr. Roy Boddén:** It's more his failure than it is the failure of the First Official Member. It's a political failure.

**Dr. Frank McField:** He had it in his political programme and it was not manifested.

**Mr. Roy Boddén:** He had it in his political programme and it was not manifested. No interest, you see.

I hate to say this, but do you know why I believe there was no interest? These people are not the important people; they are not the movers and the shakers of this society. They don't give you political mileage. They are significant numbers, but they are not the people you read about in newspaper columns—except when they get into trouble. They are not the people whose faces come on the television.

The majority of them don't vote. So they are played down, ignored, until opportunities like this—when the Leader of Government Business gets up and says the backbench has no solutions and all we do is criticise. What about the Cadet Corp? How many times did I ask him to look about that? I related my experiences at the Wilma's Boy's School. But there's no Cadet Corp yet.

What about an instrument which measures the ability of young prisoners at Northward to read and write? That hasn't been done yet. There are even attempts to stifle Adam McIntyre's programme where he tries to educate prisoners at Northward.

The elected government is quick to say that all we do is criticise, and that no solutions come from this side. What about all the programmes from 1994? And I am dealing with 1994 because that is significant. Since 1994, I read about programmes in the United States in various prison systems. I vividly recall one in Boston Massachusetts. They had long-term prisoners earning doctorates. I don't believe that our Caymanian prisoners have any less ability.

I told them about a programme in California called Delancy Street where convicted felons are rehabilitated and turned into productive citizens. Anyone who was interested would try to find out about this stuff. Do you know where I get a lot of it? Off the Worldwide Web. I surf the Net!

They don't have to do that, Madam Speaker. They are the wealthy! They don't have to broaden their intellect. All they have to do is come inside here and say that people are defunct, have no solutions, and are theorists.



Even when I am dead, Madam Speaker, I will be smarter than they are!

This whole business of Northward Prison had its genesis long before September 30 and October 1 1999. It goes way back to 1988. I mean, I have read reports on top of reports that all say the same thing. That is why I cannot support another review. We will be reviewing from now until the world ends, and all we will have is reviews! That is fine, if we are building up archives for scholars to study, but if we are trying to seek solutions to remedy the problems confronting us then we are doing the wrong thing. We already know where the solutions lie. We already know they lie in certain social breakdowns and homes that deprive youngsters of certain things. We already know it lies in the halls of the schools where young people find worth and importance by joining gangs. We know that. That's what we need to address. We don't need another review. We don't need another imported solution.

The only way to manage the future is for us here to invent it. I have said before that when we import people, we import problems. They are not without their problems. We cannot continue to rely on bringing in more prison officers from England.

I heard the Fourth Elected Member for George Town speaking about that. I read about it in *The Economist* magazine. Some of the most racist, militant, and hateful prison officers are found in England. I have *The Economist* magazine here which documents their problems. Are you telling me that you are going to bring in these people who come from different ethnic backgrounds with linguistic nuances whose colour is different to crack our heads, and then expect that we are going to be able to rehabilitate and reform these people?

Do you know what's going to happen? We are going to create a culture of hatred. When they get out, they are going to want to manifest their treatment on persons of like colour. Ask the Fourth Elected Member for George Town, he's a sociologist. Ask him! Or read and see if those behaviours are not logical. Read any book on psychology or sociology and see if that's not the case. We have to find our own people. *'Boy, as bad as it is, at least he's my cousin.'* But you get someone who has no relation to whip him . . . Oh yeah? Do you know what will happen? *'I'll deal with you.'* Only the theorists can see that.

This is a democracy and the majority rules. But I don't think I was elected to re-colonise the Cayman Islands. I said before that I was never an apologist for colonialism. And at age 53 I am not about to be either. But it goes beyond what is practicable and what can work. I believe that what the reviewers said by and large reflects the situation. But in many cases the recommendations were not followed because there have been blatant attempts by persons—including persons inside this Parliament, like the Leader of Government Business—to stifle debate when it comes to things like Northward Prison.

In 1994 I brought a motion calling for a debate on the Prison Report to His Excellency the Governor of an

Inspection of Her Majesty's Prison Northward, Grand Cayman, April 1994, by Her Majesty's Chief Inspector of Prisons for England and Wales. The Leader of Government Business got up to say that the Speaker should not have accepted the motion because it was sub judice.

Well, he did not succeed. But the former Attorney General said that the government would not be participating in the debate—and they did not. So how can the Leader of Government Business now say that no solutions come from this side of the House? They gagged themselves. It was a self-imposed gag! They didn't contribute to the debate. They ignored it! They didn't even listen. Such hypocrisy must come to an end! Shame on the people who take such attitudes, believing no worthy suggestions emanate from this side.

In 1993, I brought a motion calling for the setting up of a National Commission on Crime and Violence. That same minister got up and described the method as unorthodox and unusual. Well, crime is unorthodox and unusual too! And he used as an excuse that they were doing something about it, and proceeded . . . that's when my falling out with the National Team was in its gestation period. I am glad that that relationship didn't last as long as Ernest Borgnine's and Ethel Merman's marriage! That broke up on the way from the wedding ceremony to the honeymoon.

[Members' laughter]

**Mr. Roy Boddén:** So, when they have all these things coming from us, how can they in good conscience say that we offer no constructive solutions?

The minister gets up and says this is unusual and unorthodox. And then they . . . well, not they, the present First Elected Member for West Bay . . . by a criminologist from Cambridge University. When the study was done, they decided it was not Kosher because it would be bad for tourism! So, they buried it. I just hope that one of these days some legal entity can make an edict that it has to be exhumed and a thorough postmortem carried out.

How can we address what is happening if, when we commission a study, we bury the study? That doesn't surprise me. If you don't like the message kill the messenger, burn the message. We cannot address the problems at Northward if we don't address these problems. The prisoners are not just going up to Northward and imprisoning themselves, they have done things in society. That leads me to another point.

That is why I have reservations about the juvenile detention centre. I said before, \$10 million on the juvenile detention centre . . . well, I will grant you a hearing. But now tell me how much you are going to spend on prevention. If you are going to spend \$10 million on prevention I will grant you the \$10 million on the detention centre too.

That is what I call the criminalisation of the society. I don't want to be part of that. Do you know why? I will be a prisoner myself. When these people get out they are going to say, *'Roy Boddén? Do you think he's smart?'*

*Wait until I get out.* And my wife can't go to the supermarket and my little boy can't play football and there's someone waiting to trouble my daughter. If I wanted to live in a military complex, I would have joined the armed forces when I lived in Canada. I want to live in freedom.

These problems cannot be treated in isolation. It has to have an interdisciplinary approach. When we talk about problems at Northward Prison, we have to include community affairs, education, and the social services. That is why we have not been successful. We are taking a disjointed approach. In order to have successful policies, all the members involved have to sit down. It's just like the human body: Do you believe the heart operates independently of the brain? You wouldn't last long.

If we want to successfully address these problems we can't just throw them into the lap of the First Official Member. That's a copout. That is why we haven't been more successful. And it shouldn't take a rocket scientist to see that. Successful managers of the 21<sup>st</sup> century take this kind of approach. Ask Peter Drucker. Read *Management Challenges for the 21<sup>st</sup> Century*, and see how successful managers tackle these challenges.

The futurist, Alvin Toffler, said that the illiterate of the 21<sup>st</sup> century wouldn't only be people who can't read and write, but those who can't learn, unlearn, and re-learn.

We need many things—but we don't need another review of Northward Prison! We need action now, and plenty of it. Unfortunately, prisons are a necessary evil. But they don't have to be catastrophic. We are lucky. Do you know why? The public purse has had to cough up \$2 million and nobody has been identified for blame, responsibility, or compensation. We are lucky. In some civilised democracies, it would not have gone like that I can assure you.

I don't want to go through these reports individually. But the underlying thread in all of them is a lack of support. In the report by His Honour Sir Steven Tumin, of October 1999, he said that the Prison Director has not had enough support from some of his subordinates or from his superiors. What is there to convince me that another review is going to meet with a similar fate?

Another reason I am reluctant to pin blame on anyone—but I do want to blame the system—is that the Cayman Islands were ill prepared for a prison. Prior to that we were a staid, slumbering society. We were still in that period someone described as *The Islands that Time Forgot*. We didn't have television. We didn't have all this business about rampant drugs and the communication, the boats, planes, and all that stuff. Somebody should have seen that. That is what elected politicians should see, not necessarily the Official Members, although some responsibility lies with them too. The elected leaders should have seen that society was changing.

I said inside here that that was one of the things television was going to do. I remember saying repeatedly in debate that television was a good servant, but a bad master. And we still have stations that do nothing but glorify violence and show disruptive behaviour encouraging our youngsters to dress in ways not Kosher in our

society. All of these things lead up to it. Someone should have seen that.

I am not saying that we should stifle freedoms, but freedom must have its responsibilities. Because you are free to do something does not mean you should do it. So, this is the vision that the elected leaders must take up. That is why it is time for a new leadership, a leadership by people who can see these things, who are grounded intellectually, who can understand that it has a domino effect—if you get this, you must prepare for these results.

And then, you have to mix that with persons who can get the things done. Action people. Many times I think I am out of place here, where people try to put other people down. *'They shouldn't be here because they are not millionaires. They shouldn't be here because they are defunct. They shouldn't be here because they are not successful in their profession. They shouldn't be here because they are not members of the lodge.'* Well, success is relative you know.

In my field, I will challenge anyone to an intellectual debate. Anyone! I am not interested in amassing millions. But I will tell you that I would put myself on par with anyone in Cayman on any intellectual debate, and I wouldn't come out second. So more power to those people with other aspirations. I don't want to join any secret society. I guess we have to find ways to put one another down. But there's one thing I won't do: I won't be a pirate. I will not!

The ball is in our court. We have the ability to learn from the incident at Northward Prison. We have the ability to cut our losses at this point. We have the ability to make the Caymanian society a better society. But we have to stop being hypocritical. We have to stop being exclusive. We have to stop being prejudiced, and we have to begin being considerate, open and transparent, forthright and candid. If we don't do that, we will never learn. The lessons of history are there for us to learn from.

I am saying these things as much for my own edification as for others. We have to stop laying blame. Stop trying to one-up one another and make one another look bad. We are here for the good of the people and the good of the country.

Years ago someone said that a whole generation would have to be written off. Well, saying it is one thing; but by our actions—or lack thereof—we are perhaps writing off more than one generation. These people can be salvaged. They must be salvaged!

I am not idealistic. I am not telling you that we don't need a prison. Far from that. I am saying that we have to exercise effort to save as many as can be saved. We have to begin by constantly examining our education policies, our community objectives, our social service policies, and working in tandem with that person who has official responsibility.

Here's another reason why I am reluctant to call for anyone's resignation. Our system is an antiquated system. We have a system of ministers, and people who are the equivalent of ministers, but technically no one who

can galvanize them and say 'Well, you know, this should be our priority. This should be our objective.'

I read in today's paper where the Fourth Elected Member for George Town said the prison should be under an elected member. Well, I don't take any umbrage with that, but I want to say that I am not advocating any kind of constitutional advancement where people can come and use against me saying I want independence. Heaven knows I suffered from that long enough in my political career. I would like to shake that bogeyman off my back now.

I am saying that we should have the kind of system where when a member makes a plea that he is genuinely listened to. I know that quite frequently officialdom puts forward a request, but political expediency in Executive Council doesn't allow it to reach here. If we had a different system, that might not be the case. Then it would be easy to identify where the breakdown came.

I have a reluctance to blame the honourable First Official Member. I am not saying he could not have done better. We can all do better. We are not angles. But all of the blame cannot be placed on him, in spite of the fact I have differences with him. He doesn't like me asking him questions sometimes, but that's not going to stop me from having a good relationship with him and from speaking the truth.

In all seriousness, we need to look because this is as much a systemic failure as an individual failure. And some of us have been saying that.

**The Deputy Speaker:** Is this a convenient point to take the morning break?

**Mr. Roy Bodden:** Yes.

**The Deputy Speaker:** Proceedings will be suspended for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 11.30 AM

#### PROCEEDINGS RESUMED AT 11.57 AM

**The Deputy Speaker:** Please be seated. Debate continues on Private Member's Motion No. 5/00, as amended. The Third Elected Member for Bodden Town, continuing.

**Mr. Roy Bodden:** It is critical that we arrive at some constructive solutions, and that we try to ensure that the government complies with the request of the motion. We have manifested in our society the potential for a complete breakdown. I am speaking about the manifestation of gangs.

Gangs are going to manifest themselves based on many things. Some are based on ethnic origin, some on neighbourhoods, some on a particular interest; some are based on other subculture ideals. If we don't address these problems before they reach the prison, we are going to have a compounding when they reach the prison. One has to only read what happened to the prison sys-

tem in Los Angeles where gangs run some prisons. Not only that, but they run activities outside the prison.

So, the occurrence at Northward is not something for us to joke around with, take lightly or attempt to say when solutions are being offered from this side of the House that the backbench has no solutions and take umbrage when questions are asked and issues are raised. In other societies, these phenomena are detrimental. And enormous resources are being spent just containing them—not even addressing the problem with any ability to eliminate it—just to contain the problem. That is the reason I am saying, from the information we have, that we have such situations occurring right now in our own backyard.

There is a need to derive sensible and coherent policies. This whole business of two different standards of parole is the cause of the hostage taking incident. You can't have that or a lack of any coherent career parole policy, period.

I call on the government for the umpteenth time to begin building a halfway house. Maybe we need two—one for males and one for females. They have to begin doing that. There is talk of the eminent release of certain long-term prisoners. It would be unfair to drop them cold turkey back into society which in the first instance is and was uncaring. They have to be spoon-fed. Someone has to help them get gainful employment. Someone has to help them to restore their dignity.

This is a good point to interject that prison is a political place. I have to thank the Fourth Elected Member for George Town for reminding me of that. So I hope that we are not labouring under the delusion that one of the things people do not think about while in prison is who put them there, who is taking care of them, why they are there and what they are going to do when they get out. I hope we do not believe that these thoughts don't cross the prisoners' mind. That is another perspective.

We have to ensure that they understand the circumstances. If I had it my way, it would be even more political. I would make it mandatory for every prisoner who can read, to read Frantz Fanon's, *Richard of the Earth*. I would make them read Albert Memmi, *The Colonizer and the Colonized*. I would make them understand what has happened to them, and I would make them realise that they have to work at rehabilitating themselves.

But we are not doing these things. So they come out and they go back with no sense of purpose. We have to do that. It's as much a political institution as anything else. And prisoners think about these things. I hear the arguments. We have to take a holistic approach.

While the prisoners are in prison paying a debt to society, the state has an obligation to the prisoners to ensure that the prisoners are protected, that they have certain opportunities available to them. One of the things I am concerned about in this transformation is that some human rights issues as they apply to the prisoners may get swept away. You can't deny these people visitation rights. So the physical facilities have to be kept up, where they have access to these rights, where they have availability of certain information, but at the same time,

they have to understand their responsibilities as prisoners. So I commend the carrot gesture of the special privileges block for prisoners who have demonstrated sufficient maturity to earn the right to reside in that block.

But now you have to be really careful that that is not so discriminatory that it causes a rivalry between prisoners. One has to keep an eye to ensure that at the first manifestation of serious change in behaviour you have space to accommodate those. That's a carrot. And the stick must not be far away so that they know it is not automatic. If there is any recidivism, plunk, you are out. A regime. That is what we have been lacking, a regime.

If you read these reports, the prison has been unstructured. I said years ago that we may have done ourselves an injustice because in the 21<sup>st</sup> century you can't take untrained ill-educated people and plunk them in these positions of responsibility where in other countries people are given special training. I want to caution that I am not saying that as a licence to import outsiders. I said we have to prepare our own people. It's bad enough to be incarcerated. But to be incarcerated in a system where the warden and officers are foreign to your culture, . . . that kind of mentality is found in war where you have prison camps. But in a civilian prison, that spawns far more problems than it solves. I hope the intention to import foreign officers is but a temporary one.

I keep coming back to the fact that we are a small society, and a small country is not an excuse for saying that we cannot find people to train. Maybe not in the numbers we need in every case, but not to have any persons? Can you imagine that our education system is so poor that we can't find a few prison officers? Explain that to me. How is it that the chief fire officer has many more applicants than he could ever entertain? And yet, the prison service and police service goes begging.

Check the paradox. Who heads the Fire Service? A Caymanian. You don't have to be Albert Einstein to know what that says. You don't have to be a rocket scientist to learn the lesson that gives. I don't buy this excuse about Caymanians. We have the whole system incorrect. We have the emphasis placed in the wrong section of the sentence anyway. Having institutions that produce people to fill these mundane but important sectors of our community we go and begin to fill the top, most prestigious white-collar position. Do you know what someone called that? Cultural imperialism. That's part of the problem. We are conveying the impression to people that they are only important if they can wear robes and wigs! They are not important if they push pencil and pens, or wheelbarrows, or handle wrenches or use tools.

That's all part of the prison psychology, the mentality that leads our people to imprisonment. We have to take that into consideration if we are going to rehabilitate them successfully. They think they are not important because they are not lawyers, or accountants. They are not important because they are not bankers. Of course, they are important, even if they are mechanics, or cooks, or waiters, or bellhops. It takes all of us to make the Caymanian society. That is why I am saying that it is a failure of the education system. That is why I am saying that it

would be wrong to place all the blame on the First Official Member. That is why I am leaning on the elected government, they have a role to play which they have not successfully played.

I don't have much more to say other than to say from the time I have been here these problems have been with us begging for solutions. From the time I have been here, I understand why they are not solved. You have to come from a certain sector of society to be heard and listened to. You have to please the establishment. You may even have to be a certain colour. And God knows that no one can kill me for my thoughts. Sometimes I believe that, I get that kind of signal and vibes.

When you come from a certain section of town and you are a certain colour, you are written off, no matter how many PhDs and Masters you have, no matter how many Queens and Syracuses you went to, Bremen's and all the other places. And I am reminded that it's worse if you didn't.

Sometimes the mere fact that you are the son or daughter of so-and-so, . . . well, those people who perpetrate those positions are living in a false society. They are lulled into a false sense of security and their position may allow them to be arrogant, but it does not guarantee their safety. They'd better listen to the messenger. The Cayman Islands are changing. It can be a change for the better if we work at it. But if we, as Edmund Burke said, insist on lingering smug and apathetic, we shall come to no servitude of mind and body. We shall be prisoners in a society we have created. We will have created a population of predators. We are creating a population of predators. That is why we have to be intellectually capable of analysing these problems.

I would like to share a quotation that I read in the latest version of *New Vision*. It's from a person who I admire and respect greatly, Professor Rex Nettleford, Vice Chancellor of the University of the West Indies. He said, "**Leadership must rest in the hands of persons who are appropriately prepared through education and training to think, to comprehend the world around them, identify problems and find and implement solutions. Nothing less than intelligence rooted in some degree of formal education can qualify political leaders to take decisions impacting on the lives of our people.**"

To that I would add another very famous person whom I like to read. If I were a contemporary, I would certainly have admired him. None other than the Chinese philosopher and military strategist called Sun Tzu. He said that a leader must be intelligent, must be crafty, honest, sincere, sympathetic, but he must also be stern.

Lest I exclude any of my worthy colleagues on this side, let me say that successful leadership in my book does not have as a prerequisite a university degree. I have seen good leaders inside here with heart and soul and with the people's interests at heart, who propose policies and programmes like Project Prepare, who for all the flack being given (and heaven knows I have given him some, and will continue to) . . . like the First Elected

Member for West Bay, you have to have heart. He has heart.

I don't like him sometimes, and we will continue to have disagreements, but I can't deny that he has heart. That's what government lacks.

If we want to solve the problems at Northward Prison we have to have heart. We have people with heart on this side. The only thing I am sorry about is that we can't come together as a phalanx with some from the outside. But the old pirate system that Bob Marley sings about won't allow us to do that. If we did, maybe we'd be too much of a threat to those persons I last spoke about.

Like the old Negro Spiritual says, there's a change a'coming. Oh yes. We just have to hang around. The emotion is in the government's hand. I give them all of my support because I am concerned with the prisoners at Northward. They are wards of the state. They are our brothers and sisters. It is incumbent upon us, the representatives of the people, to craft policies and plans that will help them find their productive law abiding places in the society.

I want to end with this: The time has also come in the life of the Cayman Islands that we have victim's rights legislation. I look forward in the not too distant future to bringing a private member's motion calling for that because I think that is one way we can get people to realise that they can't go cutting up and stabbing and clubbing people. They should be made to work and personally pay when those people are disabled. I think that can complement our legislation.

**The Deputy Speaker:** That concludes debate on Private Member's Motion No. 5/00, as amended. The question is: **"BE IT RESOLVED that the Legislative Assembly register its concerns over occurrences at Northward Prison which led to the events of Thursday, 30 September 1999 and Friday 1 October 1999;**

**"AND BE IT FURTHER RESOLVED that the Legislative Assembly recommends there be a review of the policies regarding prisoner rehabilitation, the administration at Northward Prison and the development of secure and effective facilities of incarceration in the Cayman Islands;**

**"AND BE IT FURTHER RESOLVED THAT the Government lay on the Table of this Honourable House, within 90 days, its plans for both the physical and rehabilitative reforms of Her Majesty's Prison at Northward, including the timetable for the implementation of such reforms."**

I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: PRIVATE MEMBER'S MOTION NO. 5/00 AS AMENDED PASSED.**

**The Deputy Speaker:** Perhaps it is the wish of the House—the Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I was going to suggest, since this motion has finished, that it may be the wish of honourable members to take the luncheon suspension at this time.

**The Deputy Speaker:** I was about to suggest that. Proceedings will be suspended until 2.00. And can we try to be back by 2.00 PM sharp?

#### **PROCEEDINGS SUSPENDED AT 12.20 PM**

#### **PROCEEDINGS RESUMED AT 2.11 PM**

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Private Member's Motion No. 6/2000, Investigation into the Pedro St. James Construction Project Account, to be moved by the First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I rise to move Private Member's Motion No. 6/2000, standing in my name. Madam Speaker, should I move the motion? as I see there is an amendment coming forward. Do we have to move that and get it seconded before we . . . Okay. I just wanted to make sure.

Private Member's Motion No. 6/2000, Investigation into the Pedro St. James Construction Project Account, reads as follows.

### **PRIVATE MEMBER'S MOTION NO. 6/00**

#### **INVESTIGATION INTO THE PEDRO ST JAMES CONSTRUCTION PROJECT ACCOUNT**

**"WHEREAS there is much public concern over the development costs of the Pedro St James project;**

**"AND WHEREAS many members of the public have approached some Legislators expressing concerns over these costs;**

**"AND WHEREAS the Honourable Minister bears ultimate responsibility to the Legislative Assembly for the development and management of this project;**

**"AND WHEREAS this said project up until July 1997 was managed directly by the Ministry of Tourism;**

**"AND WHEREAS all reports thus far indicate mismanagement;**

**"BE IT THEREFORE RESOLVED THAT this Honourable House records its lack of confidence in the Minister's handling of the project;**

**"AND BE IT FURTHER RESOLVED THAT upon completion of the technical audit of the landscaping contract for this project, any parties responsible for fraud, misappropriation, or any other illegal action be identified and be the subject of appropriate legal action and that this Honourable Legislative Assembly be apprised of the proposed course of action."**

**The Deputy Speaker:** Is there a seconder? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I beg to second the motion.

**The Deputy Speaker:** Private Member's Motion No. 6/2000 has been duly moved and seconded. Does the mover wish to speak to it?

**Mr. D. Kurt Tibbetts:** I am sorry if I seem a bit confused, but I certainly will speak to the motion. My only question is, seeing that there is an amendment, should we debate the motion as is, or allow for debate on the amendment to take place so that the end result will allow for one entire debate of that motion.

**The Deputy Speaker:** I was trying to catch the eye of the honourable minister moving the amendment. But . . . if you would care to move your amendment at this time Honourable Minister for Tourism, Commerce, Transport and Works.

### AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 6/00

**Hon. Thomas C. Jefferson:** Thank you for catching my eye. Notice of motion to Private Member's Motion No. 6/2000, Investigation into the Pedro St. James Construction Project Account.

**"In accordance with the provisions of Standing Order 25(1) and (2), I, the Honourable Minister for Tourism, Commerce, Transport and Works, seek to move the following amendment to Private Member's Motion No. 6/2000: (a) by adding to the fourth Whereas clause, at the end thereof, '*with project management being carried out by Commonwealth Historic Resource Management Limited, and accounting being provided by the government Treasury*'; and (b) by deleting in the fifth Whereas clause the words 'indicate mismanagement' and substitute the following: '*are self explanatory*.'"**

**The Deputy Speaker:** The amendment to Private Member's Motion No. 6/2000, Investigation into the Pedro St. James Construction Project Account, has been duly moved. Would the proposer like to speak to this amendment?

**Hon. Thomas C. Jefferson:** Thank you.

The motion as originally put (in the summer of last year and brought forward to this meeting by agreement), in the fourth Whereas reads: "**AND WHEREAS this said project up until July 1997 was managed directly by the Ministry of Tourism.** . . ." I believe it is helpful in that particular clause to clarify how the project was managed by the ministry. That's the reason for moving this amendment to the said clause.

The [amended clause] would then read: "**AND WHEREAS this said project up until July 1997 was man-**

aged directly by the Ministry of Tourism *with project management being carried out by Commonwealth Historic Resource Management Limited and accounting being provided by the government Treasury;*" I believe would clarify how the project was managed by the ministry.

And when I say "accounting" I am not talking about accrual type of accounting. The accounting system within Treasury is a cash accounting system. So what the Treasury is accounting for is the cash paid out on the construction of this project on an annual basis. We know that if we examine the budgets of, say, 1997, we would find that the project is identified in that budget and a particular allocation is made to Pedro St. James, as well as when you examine the financial accounts for that year. You would find that there is an actual expenditure within the account that spells this out.

If I wanted to be more specific in my example, when we look at the 1997 Budget, for example, we find on page 484 (and I am happy to share this with members or lay it on the Table), the allocation for the development of Pedro St. James Heritage Site, Grand Cayman, is \$1.5 million. And when we examine the Cayman Islands Government Accounts for year ended 31 December 1997, we find on page 35 item 53-129 (being a numerical system of capital expenditure), Pedro Castle "Approved estimate \$1.5 million. Actual expenditure \$1,219,863."

So, that is the accounting I am talking about. I am trying deliberately not to mislead members or the public into believing that the Treasury is responsible for doing financial accounts for the Tourism and Attractions Board which speaks to the cost of the total assets of accounts. We know that in all of our activities in Statutory Authorities it was not many years ago when even the Water Authority came under a certain amount of scrutiny by the Auditor General and he was also not satisfied that they did not at the time of his audit have a proper set of accounts done. I think I can bear that out, and I will when we come to the motion itself.

My only point is that the ministry relied on the project manager, Commonwealth Historic Resource Management Limited (CHRM), like any other project manager. And in conjunction with the Accountant General of that day the agreed procedure was to cause the Treasury to accept payments. The agreement was that the ministry would have a stamp made in accordance with the wishes of the Accountant General so that the project officer, once satisfied that construction had been carried out and a bill received for it, he would stamp it and authorise payment which was passed on to the ministry and the ministry checked the correctness of it and passed it on to the Treasury.

That's my explanation for the amendment to the fourth Whereas clause.

I believe in the fifth Whereas clause, while the reports indicate some managerial difficulties in the operation, I don't believe the report itself indicate mismanagement of the total project. That's why I am saying that the reports are self-explanatory. They point to this little problem, or that little problem. But I don't think it points to

mismanagement of the entire project because CHRM was only responsible for one portion of the project and that was mainly the restoration of what we used to call Pedro Castle and the landscaping. Public Works Department was responsible for the visitor's centre, which came out with a cost in the range of \$2.5 or \$3 million of a total project cost of \$6.9 million. I am just trying to show the relevance of the statements embodied in the fifth Whereas clause.

I think amending it to read "AND WHEREAS all reports thus far *are self-explanatory*" is a better way of addressing this matter. Then we can go into the final debate on it.

**The Deputy Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I would just like to say that in looking at the two amendments being proposed by the Honourable Minister for Tourism, Commerce, Transport and Works, understanding his explanation, and understanding that it does not change the substance or intent of the motion, I have no difficulty in accepting the amendment.

However, his second proposed amendment, where he is asking for the words "indicate mismanagement" to be replaced with "are self-explanatory" while I heard his explanation, as the mover of the motion, I hold the view that all reports thus far indicate mismanagement. It is not a wide-swiping statement that says there has been total mismanagement. The statement is simply saying that all reports received thus far indicate some type of mismanagement.

If we take the minister's view, and accept the change from "indicate mismanagement" to "are self-explanatory" it takes away the entire concept of mismanagement. To say they are self-explanatory is not, in my view, a correct statement. All reports that have been provided thus far in my view are not self-explanatory. The reason I say they are not is because many of the points raised in those reports are not conclusive. In fact, they are inconclusive. Documentation, evidence and other papers, which would have been required to say that these reports are self-explanatory, are not there.

I cannot accept that change, saying they are self-explanatory. As far as I am concerned, there is just cause to retain the original context in that Whereas clause. If government disputes that statement, let them prove it. To agree with that second amendment is to say that we erred in the statement. And, Madam Speaker, I am not prepared to do that because I do not sincerely believe that the statement is an erroneous one.

**The Deputy Speaker:** Does any other member wish to speak? The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** As I said yesterday, it seems that government's ploy these days is to amend motions to where it suits them, even when the amendment is foreign to the substance of the motion. I have always submitted, and the Standing Orders say that you cannot

change or amend a motion or a bill to where the substance is changed. If you change that last Whereas clause to say "self-explanatory" then it is taking an operative part of the motion away.

If you don't prove mismanagement, then there is no need for the two Resolve sections.

Secondly, I am more in line on the first amendment with the mover of the motion. But I would say what this is saying is *'don't blame the ministry, blame the treasury.'* That's what that is doing, passing the buck! *'Let's get the treasury involved. You know they collected all the money, did all the accounts. So lets put them in it too.'* That would make the public believe that everything was above board because the Treasury did it.

Sure, the Treasury paid out. The question is, why didn't someone ensure proper billing before it went to Treasury so that what went to the Treasury was accounted for by the project? But as you go through the Auditor General's Report you find the billings could not be accounted for. The accounts could not be reconciled. So, how they are going to blame the Treasury, I do not know. But this is an attempt to blame the Treasury.

**The Deputy Speaker:** Does any other member wish to speak? The Fourth Elected Member for George Town.

**Dr. Frank McField:** I really rise to voice my concern in regard to this method of dealing with private members' motions. If the minister is of the opinion that there was no mismanagement, I believe that is what should be suggested in the debate. The facts that he offers will be the relevant moves that will have to do with deciding whether or not mismanagement took place. But the motion is saying that mismanagement took place, or at least there is indication that it took place, and the debate can be about whether or not the mismanagement took place, which can be in the body of the motion rather than coming as an amendment having two debates.

Again, it's to change perception. If you say that the books are "self-explanatory," that the records do not show mismanagement but are self-explanatory, what do you mean? What does it explain and make clear? Does it make clear that records were kept? Yes, of course. It makes that clear. But it does not make clear that anything else happened without interpretation. The facts need to be interpreted. It's what can be assumed that the facts are saying is relevant.

The mover of this motion has said that if the facts were to be looked at it would indicate mismanagement. That is an assumption that can only be proved or disproved by way of the exercise of someone competent examining the records. To say that the records are self-explanatory is ludicrous. It doesn't mean anything. What does it explain?

If I asked you how old you were, and you said to me, *'if you look at me then my age is self-explanatory'* . . . You cannot have an explanation without a question. For there to be an explanation, you must have a question. Something cannot just be self-explanatory without there being a question.

I think that this playing with words confuses the issue. I am not assuming there was mismanagement. I am waiting to hear the debate. I am waiting to hear the arguments that will be put forward by the mover of this motion and I would like to hear the government's side and the minister's side.

But for government to indulge in attacking the motion before it comes to debate, trying to change the meaning of the motion using semantics . . . we know that even in common jargon that leads to confusion. Nothing is self-explanatory, especially not in science. And accounting is a science. Therefore, there is nothing in accounting that is self-explanatory. It must be explained. All facts are subject to interpretation. If you are interpreting bookkeeping, you have a certified accountant who has the ability to interpret it and has credibility.

There is nothing self-explanatory about my books. You have to have a professional come in and look at my books to decide whether or not I manage the union properly. You cannot say that because books are there that they are self-explanatory.

**The Deputy Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The right to put an amendment to a motion is a right of any member of this House. Standing Order 25(1) is very clear. If the Fourth Elected Member for George Town had taken the time to look at it, it says "**Any Member may propose an amendment to any motion to be considered by the House or a Committee.**" It is wrong to put it on the basis that it is not right to put an amendment to a motion before the House. That is a right. In fact, it's probably one of the earliest procedural rights that exists in Parliament.

Therefore—

**Dr. Frank McField:** Madam Speaker, on a point of order.

**POINT OF ORDER**  
(misleading)

**The Deputy Speaker:** May I hear your point of order?

**Dr. Frank McField:** I feel that the minister is misleading because I did not say it was not a right for any member to amend a motion before this House. I am quite aware of that Standing Order. I have brought amendments myself. I was not speaking about the right; I was speaking about the motive for so doing, and the substance of that.

**The Deputy Speaker:** You do have a point of order in that you did not say it was not a right.

Honourable Minister responsible for Education, Aviation, and Planning, will you continue?

**Hon. Truman M. Bodden:** Yes, I will withdraw that.

It is a right under the Standing Orders for a member to put an amendment to a motion. That is perhaps one of the most basic rights one has.

It matters not to the procedural aspect of the amendment whether or not people in the House like it. That ultimately goes to the vote and then the motion as amended goes on to be debated. What has been done here is that the amendment itself is very relevant because the first amendment carries on and finishes one of the Whereas clauses, and states that this was carried out by the Commonwealth Historic Resource Management and accounting was provided by the government Treasury. And that is a fact. That amendment can obviously . . . well, there's no problem to any of these amendments.

The second one . . . if we try to look at this and when we read that and it says "**AND WHEREAS all reports thus far indicate mismanagement**" that is a judgment in any event. We know that presumably the reports being referred to would include the report of the Auditor General, which as we know is before the Public Accounts Committee now. That has not even been laid on the Table of this House. So it is quite proper to deal with the report by saying it is self-explanatory. Those that we can look at will be looked at. But to form a judgment at this stage on it, and attempt with one swipe of the pen to indicate that there is mismanagement is undoubtedly quite correctly amended to what the honourable minister has put forward.

If the House is not afraid of the truth, then why not look at the reports and take the opinion from those reports rather than producing a motion that has an opinion in it?

And talking about "self-explanatory," to take—

**Mr. D. Kurt Tibbetts:** Madam Speaker, on a point of order.

**POINT OF ORDER**  
(misleading)

**The Deputy Speaker:** May I hear your point of order?

**Mr. D. Kurt Tibbetts:** The minister just said that the motion was based on opinions formed, making sweeping statements, and not based on reports. This motion was brought in June of 1999, and that statement in the motion was based on the reports available thus far. So, he cannot mislead to say that the wording of the motion was not based on reports. That is what he just said.

**The Deputy Speaker:** Honourable First Elected Member for George Town, unless I stop proceedings and get the *Hansard*, I cannot quote verbatim. But I understood the honourable minister to say something to the effect of making sweeping judgment.

**Mr. D. Kurt Tibbetts:** I don't wish to stop proceedings, but I am sure of what I heard, and I would prefer that you get the *Hansard* and make your ruling.

**The Deputy Speaker:** Honourable Minister of Education, would you explain to the House, for my benefit? And if



the member is not satisfied, I will suspend proceedings to get the *Hansard*.

**Hon. Truman M. Bodden:** As you rule, Madam Speaker.

What I am saying is that the Whereas clause that says, “**AND WHEREAS all reports thus far indicate mismanagement**” is a sweeping clause. Basically, with the stroke of a pen a very general statement is made that has serious indications to it. What I said on reports is that there are still some reports that as I understand it are before the Public Accounts Committee. I referred to that because in fairness those reports which are relevant to this should also be considered. That’s basically what I was saying.

**The Deputy Speaker:** Are you satisfied with that explanation, First Elected Member for George Town? Or do you require me to suspend proceedings to have the *Hansard*?

**Mr. D. Kurt Tibbetts:** As far as my being satisfied with anything coming from the Honourable Minister responsible for Education, Aviation, and Planning, that’s a tall order. However, I just wish to say that I heard what he said both the first and the second time. I want to just clarify something quickly.

He just said about this report in front of the Public Accounts Committee, and that it should also be considered. Is he saying that we should make that part and parcel of this debate? If that is what he is saying, and that is acceptable, I will forget about anything I said before.

**The Deputy Speaker:** Now that you have accepted what the honourable minister said, as the presiding officer, the section of the Auditor General’s Report dealing with Pedro’s Castle has been dealt with in an open forum, therefore I see no reason why the Auditor General’s Report on just Pedro’s Castle cannot be debated. It was held in an open forum of Public Accounts Committee.

Honourable Minister responsible for Education, Aviation, and Planning, would you proceed with your debate please?

**Hon. Truman M. Bodden:** Thank you.

A bit of fun was poked at the question of self-explanatory. The Fourth Elected Member for George Town said that if you come to a person and ask them their age and they say ‘*Well, here I am, tell me my age*’ that that wouldn’t be self-explanatory, or words to that effect. A school child would figure out better than that because self-explanatory would be when you ask someone their age, they give you a birth certificate and say ‘*here it is, it’s self-explanatory.*’ That’s all we are saying here.

[A Member’s laughter]

**Hon. Truman M. Bodden:** Obviously, the meaning of self-explanatory is not too well understood. I didn’t

choose the question of the birth certificate, but I am explaining to the laughing opposition member exactly how it can be done. The difference between self-explanatory, and being told something is that when you have a report that’s self-explanatory, then these opinions have no place in it. And I submit that is why the pressure is on to leave that the way it is because a lot of damage can be done from that opinion which is obviously in the motion whereas the facts and the truth sit in the report. If one reads them and they would in my view be self-explanatory. I haven’t read the Public Accounts Committee report, but . . .

I submit that the motion as amended, or the amendments to the motion are very relevant. Also, that it now removes any possibility of any opinion as to the truth on what is mismanagement, and in fact if you look at the reports they will have the facts in them. I support the amendments and I submit they are good procedurally and good all around.

**The Deputy Speaker:** the Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Madam Speaker, if you listen to the honourable Leader of Government Business you would be convinced that the business of the persons on the backbench, and I am happy that I fall under that rubric because I oppose much of what he is trying to do most of the time . . . if you follow him you would believe that the only purpose of the backbench is to besmirch the character of the ministers. But our motives are not like his motives. Far from that.

I too agree with most of my colleagues that we can accept the first amendment because that is fair and proper. But the second amendment significantly changes what the motion is asking for.

I would like to ask the Leader of Government Business and the Minister of Tourism if they are saying that we on this side of the House lack the intelligence to put together a motion to say what we want it to say. We don’t have to rely on them to change it. The motion is saying exactly what we want it to say and we believe there is just cause for saying it.

I am happy, Madam Speaker, that you gave the green light to use that portion of the Auditor General’s Report that has to do with Pedro Castle. I was going to make that point myself, that since it was debated publicly no harm could be done in referring to it now.

Do you know what the problem of the elected ministers is? They have to protect what is left of their reputations. This is an election year and the first time they are being seriously challenged by a credible number of people whom they know can replace them. If we get up here and kow-tow to them and sanction everything they are saying . . . if we left it to them, there would be no election. But we want to replace them, and this motion is one of the tools we are using to do it with.

**The Deputy Speaker:** Does any other member wish to speak? (pause) Does any other member wish to speak? The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** The first amendment says with project management being carried out by Commonwealth Resources Management Limited and accounting being provided by the government Treasury. I agree with the first part of that statement in that CHRM did act as the project manager. But to say the Treasury did the accounting, I think is a little misleading. It is my understanding that once the invoices came to the ministry they just put a stamp on it and sent it down. All the Treasury did was make the payments. They didn't account for anything. This is one of the weaknesses in this whole system as far as I am concerned.

The ministry was relying on the integrity of CHRM who was the project manager, the contractor, the sub-contractor, and everything else. So I really don't agree with that part of the amendment that says "accounting being done by the Treasury." I think that is an attempt to shift blame from the Ministry to the Treasury Department.

In regard to the second resolve, about replacing "mismanagement" with "self-explanatory" even when you go to court you lay a charge. You have to prove the charge. For us to say that there are no charges to answer to and it's all self-explanatory, or can be explained away by the documents, I think is misleading. I am not prepared to support that amendment to this motion.

It changes the whole intent of the motion. I am aware of Standing Order 25 too, but I don't think an amendment that changes the intent of the motion is in order. I personally cannot support these two amendments to the motion.

**The Deputy Speaker:** Does any other member wish to speak? (pause) If not, does the mover wish to exercise his right of reply? The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** It would have been wishful thinking for me to expect that all members on the opposition side would agree with these amendments. But I tried my best to explain what I meant when I said accounting being provided by the government treasury. I have been around in government for quite some time, I understand the system, and I understand what they are doing. The government's accounting system is based on a cash system. Therefore, all it accounts for is the cash that is expended.

Far be it from me to blame the Treasury for anything. I don't think they are guilty of anything. All I was trying to establish was the procedure of dealing with this project, similar to how they deal with any other project. No matter who the project manager would be, the system is the same.

Some members made comments about accounts not being reconciled. I think that's an erroneous statement, and we will come to that in due course.

What we are dealing with is also the construction period of Pedro St. James that began in the summer of 1995 leading on to 1997. The visitor's centre aspect of Pedro St. James began in 1997 and the cost of that was in the area of \$2.5 to \$3 million of a total project construction cost of \$6.9 million. So that is another reason I am saying that the reports are self-explanatory, as it relates to Commonwealth Historic Management's handling and the ministry's handling.

I think I stand by what I have said on that account.

*[The First Elected Member for George Town rose]*

**The Deputy Speaker:** Is this a point of order, or—

**Mr. D. Kurt Tibbetts:** Just a point of clarification please, if you will allow me.

**The Deputy Speaker:** The First Elected Member for George Town.

#### POINT OF CLARIFICATION

**Mr. D. Kurt Tibbetts:** I just want to know, and I have to seek your guidance here . . . obviously, as I spoke to these two amendments—I said that I agreed with one and disagreed with the other—is it possible to put the question on the amendments separately, or do we have to vote on both of them together? I just wanted to know.

**The Deputy Speaker:** Honourable member, the Standing Orders give the presiding officer the right to propose two separate propositions within a motion can be put as separate questions. I do not think the Standing Orders give me the right to ask two separate questions. If any member knows otherwise, I will be happy to learn. But I don't know how I can ask two separate questions on one amendment. So I have no choice but to put the question—

**Mr. W. McKeever Bush:** Madam Speaker, maybe the Chair would consider that the amendment consists of two parts, (a) and (b), and it's two . . . I would think that it is two separate questions, two propositions. Maybe the Chair would be happy to consider that.

**The Deputy Speaker:** The Chair would be happy to consider that, but if we are going to follow proper procedure, these are Whereas clauses that are being amended and not the propositions being proposed in question form. If it is the wish of the House that I propose these in two separate questions, I will be happy to do it.

The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I think we would like to just keep it together.

**The Deputy Speaker:** The question is that Private Member's Motion No. 6/00 be amended as in the notice

provided to members. I shall put the question. Those in favour please say Aye. Those against No.

### AYES and Noes.

**The Deputy Speaker:** From the sound of it the Noes have it.

**Mr. John D. Jefferson, Jr.:** Madam Speaker, can we have a division?

**The Deputy Speaker:** Certainly.

Madam Clerk. And I think the Ayes need to shout a little bit louder.

**The Clerk:**

#### DIVISION 2/00

##### AYES: 7

Hon. James M. Ryan  
Hon. David Ballantyne  
Hon. George A. McCarthy  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. Anthony Eden  
Hon. Julianna O'Connor-Connolly

##### NOES: 5

Mr. W. McKeeva Bush  
Mr. John D. Jefferson, Jr  
Mr. D. Kurt Tibbetts  
\*Dr. Frank McField  
Mr. Roy Bodden

##### ABSTENTION: 1

Mr. Linford A. Pierson:

##### ABSENT: 3

Hon. John B. McLean  
Mr. D. Dalmain Ebanks  
Miss Heather D. Bodden

*\*Dr. Frank McField: I am confused.*

**The Clerk:** Seven Ayes, five Noes and one Abstention.

**The Deputy Speaker:** The result of the division is Seven Ayes, five Noes and one Abstention. The amendment has been carried.

### AGREED BY MAJORITY: PRIVATE MEMBER'S MOTION 6/00 AMENDED.

**The Deputy Speaker:** Proceedings will be suspended for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.05 PM

#### PROCEEDINGS RESUMED AT 3.48 PM

**The Deputy Speaker:** Please be seated. Debate continues on Private Member's Motion 6/00 as amended. The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Madam Speaker, in bringing this motion which was initially put on the Business Paper in June of last year, we sought to use this avenue to determine factually some of the cloudy areas in regard to

the phases of construction of the Pedro St. James Project.

To bring perspective to the motion we perhaps should go back in time. As I move along I crave your indulgence to quote from various documents that have been tabled in this Legislative Assembly. I will try not to overdo this, but I need to quote from some of those to make my case.

First, I would like to go to the Government Minute on the Report of the Standing PAC, 23 April 1999. Under the heading of Pedro St. James, it refers to paragraph 16 of the PAC report. The Government reads as follows: "**In 1991 the Government purchased the Pedro property with the intent of restoring and developing the site as a heritage tourism attraction and as a historic pride to the Caymanian people. Under the guidance of the Historic Sites Committee, a three-phase process was established to achieve this objective.**

- **Phase 1** Historic research
- **Phase 2** Planning and feasibility advice
- **Phase 3** Implementation

"**In 1992, Commonwealth Historic Resource Management Limited was retained through the process of international competitive bidding to research and provide technical services and advice to the committee. Following the acceptance of commonwealth's recommendation for the development concept the Ministry on the advice of the Historic Sites Committee made a request to Executive Council and was given approval to waive the Financial and Stores Regulations allowing CHRM to be contacted as project manager for both Pedro St. James and the Queen Elizabeth Botanic Park Projects during the implementation phase.**"

First of all, let us address this area. I notice that in the Government Minute that as they start in that paragraph "**In 1992, Commonwealth Historic Resource Management Limited was retained through the process of international competitive bidding to research and provide technical services . . .**" to the Historic Sites Committee. My understanding is that in 1991 government purchased the Pedro St. James site with what I just read as the way forward in mind for its future development. In 1992, CHRM was retained through the normal bidding process to provide the technical advice to create the concept of what the end product would look like which was what everybody was in vogue with and that was what was supposed to happen.

After they created this development concept, and this concept was accepted, I seem to remember (as both you and I, Madam Speaker, were elected in the same year) that it was not very long after our election, in fact it was the following year that a presentation was made here in the Legislative Assembly to outline that concept with various pictures and graphic illustrations of what the entire project was going to look like.

Let us clearly get past the point that there is no question in anyone's mind regarding the concept and

what was being sought as the eventual end product being what everybody wanted, not just legislators but the people of the country. So while we are debating this issue there is no question at any time of whether or not the concept was one that was agreeable to the people of the Cayman Islands. No one is questioning that.

But immediately, as we move into the Government Minute, after reaching that stage it seemed obvious that the Historic Sites Committee and perhaps the National Trust that was involved in the conceptual stage of this project seemed content and actually based on what the Minute says gave advice to the ministry to retain CHRM beyond the conceptual stage they had won the bid to create. The next move was for them to be contracted as project manager for the implementation stage of the project.

From the Government Minute (and I have read it) it is my understanding that the Historic Sites Committee recommended to the ministry that these people be retained. The ministry then, as they say, based on this advice, made a request. I am assuming that a paper was prepared and taken to Executive Council. That request was to waive the Financial and Stores Regulations allowing these people to be contracted without the tendering process taking place.

If we are simply looking at what seems to be right, what everyone feels is the right thing to do there is no problem. But what we need to examine is that we have the Historic Sites Committee, and there's a bit of assumption on my part, but I think the assumption is fair, who have obviously developed a relationship with CHRM whereby they are satisfied not only of their commitment but of their technical expertise to see this project through beyond the conceptual stage and actually engage themselves as project manager during the implementation phase of the project to see it to completion.

There comes a problem immediately. In that Government Minute is an Appendix I dated 16 November 1994. It has a reference number, and the heading of it is **"Phased Implementation of Pedro St. James National Historic Site and Queen Elizabeth II Botanic Park."** Obviously, this is a copy of something from Executive Council.

It says **"Council advised that approval should be given to waive the Financial and Stores Regulations section 8(1) and for CHRM to be contracted as project manager of both Pedro St. James and the Botanic Park Projects."**

Section 8(1) of the Financial and Stores Regulations, and I am reading from a copy of the Clerk's office which is the only copy in the building so I had to borrow that one, the marginal note is "General principles." Section 8(1) reads: **"The principle governing the purchase of goods, works and services for government departments and offices is that they must be acquired by the most economical means commensurate with quality and efficiency so as to obtain the maximum value for the public monies expended. Moreover, they must be obtained openly and competitively so that not only do all potential suppliers of the goods,**

**works and services have an equal opportunity to bid for public contracts, but the award of such contracts is seen by the community at large to be fair and equitable. To this end, except for the purchase of minor goods, works and services, not exceeding \$1,000 in value, all goods, works and services required locally by government will be obtained by contract after public tender. In no circumstances may a purchase or project be broken down into smaller components for the purpose of evading tender of contract requirements."**

That is the section that the ministry brought a paper to Executive Council asking to be waived which would then allow for these people to enter into a contract without having to go to tender the purpose being that everyone directly involved seemed to be satisfied that these were the people for the job.

But if we go to the PAC Report, on page 22, under Pedro St. James, the report reads: **"Based on the recommendations of the National Trust and the Historic Sites Committee, the Ministry of Tourism made a request to the Financial Secretary to allow the existing consultant to continue as project manager for both Pedro St James and the Botanic Park projects without going out to tender. The matter was taken to Executive Council [that is the same paper I am talking about now] who waived the requirement for tendering through the Central Tenders Committee."**

The only post that has the right to waive that requirement is the post of Honourable Financial Secretary. I am making a certain amount of assumptions here, which I think are fair. Whoever has knowledge that I am wrong will have to say so afterwards.

I just quoted from documents that the ministry prepared a paper for Council—not to the FS. But I read from the PAC report on the 1997 Auditor General's Report that it was requested by the ministry to the Financial Secretary to waive this process. Yet, the Government Minute says it went to council who waived it. I am assuming that while a system is in place the honourable Financial Secretary would probably have upon receipt of the request suggested input from Council. No problem up to that point.

But, the Government Minute says it was Council that waived it. Council does not have the right to waive that procedure. First mistake!

I am going by the Government Minute, the excerpt from Executive Council, which is very brief and to the point. **"Council advised that approval should be given to waive."** That could allow that Council gave advice and then the Financial Secretary waived it. I am being as open-ended as I can be.

To this point in time I am going to contend that when Council made the decision everything went from there. Somebody is going to have to refute that contention. But based on the information I have in front of me, the decision was made by Council. In the euphoria of wanting to see this project go, and wanting to see the ball get rolling, so as not to have to go through the tedious and possibly cumbersome procedure of putting out tendering

documents for other professional firms of that nature, and really wanting CHRM to do the project, that was the method employed.

I am going to go as far as to say that to that point I will readily accept and truly believe that everything was being done with the best of intention. But you see, as the old saying goes, the way to hell is paved with the best of intentions. Things can happen. One of the basic problems created with that is that you ended up with this firm, CHRM, being employed as the project manager for the implementation phase of Pedro St. James restoration project, being directly contracted by the Ministry of Tourism at the time and having the ability (and I will get into that a little later on) to do their own contracting and subcontracting with all phases of the implementation phase of the project.

You have the ministry who the project manager is responsible to and I think that what happened at that time, while it seemed like the right thing to do, the ministry was certainly ill prepared to deal with the magnitude of the project. It's as simple as that.

I am going to go on to prove that from the very beginning when this paper was brought to Council and that decision made, and subsequent to that all of the problems that arose since then were as a direct result of that cardinal mistake, in my view, at that time, having this project manager hired. No so much because it wasn't done by tender, but the way it ended up in that you had a project manager who was directly responsible for all of the other areas that were going to put the whole show together who were then responsible to the ministry. And the ministry was not equipped to utilise a system of checks and balances to ensure that there was value received for the money spent on the project through the project manager.

That is going to be the whole crux of my argument. In whatever direction I take during the debate I am going to come back to the fact that correct checks and balances were not in place.

If we just pause for a minute and try to picture this scenario, in your ministry my understanding is that you have the minister, who is directly responsible for policy. In the chain of command is the permanent secretary who is the controlling officer and then you have the other staff coming down that chain who will be delegated tasks at various levels for various things, including this project during the ministry's tenure of handling this project.

In my view here is what the ministry found itself saddled with. The project manager who they totally had to depend upon . . . now, granted the project manager was hired because of a perceived level of expertise. That was the whole reason for waiving the Financial and Stores Regulations section (8)1. But the difficulty during that whole procedure, which is not the way government works, which is exactly why you have such procedures as section (8) 1 of the Financial and Stores Regulations, is that you must have checks and balances to satisfy at every level in your chain of command that you are getting value for your money. In my view the ministry did not have that ability.

I would be very curious at this point in time to see the contract that was issued by government to CHRM for the implementation phase. When the minister mentions that Treasury was doing the accounting for the project, I understood what he said, and I understood what he meant. At no point in time was the Treasury deciding how the money was being spent, or how much of it was being spent, and what it was being spent on. Treasury was simply receiving the bills and the batch headers justifying their cutting a cheque, and justifying not from the point of view of value for money but just from a purely mathematical point of view that this is a valid bill, this is what the supporting documentation comes to and that is how much the cheque should be cut for. That's as far as their duty is concerned.

When it comes to deciding on whether you are getting value for money you need to understand clearly the roles that are to be played.

I want to refer to the Public Finance and Audit Law (1997 Revision), Law 23 of 1985. Section 13(1) says, **"Estimates of expenditure laid before the Legislative Assembly shall designate the controlling officer in respect of each head and subhead."**

It goes on to say, **"Subject to section 15(5) a controlling officer shall be responsible and accountable for all expenditure from any head or subhead for which he is the controlling officer and for all public monies and public property in respect of the government department, office or service for which he's responsible. Every controlling officer shall obey all regulations made and directions or instructions given by the Financial Secretary under section 12, and shall if so required account to the Financial Secretary for the performance of his duties as controlling officer. Subject to any regulations made or directions or instructions given by the Financial Secretary under subsection (3) a controlling officer may in accordance with this law incur expenditure and authorise expenditure to be incurred against any provision shown in any subhead for which he is the controlling officer."**

It caps it all off by saying, **"No expenditure [NO EXPENDITURE!] shall be incurred against any provision shown in any subhead except by or under the authority of the controlling officer."**

Now, in case anyone is making the mistake to think that I am trying to say that whatever may have gone wrong is totally the fault of the controlling officer, that is not what I am saying. I am creating a profile to show how the whole thing works. And as I go on further, I am going to explain from my perspective where things went wrong.

We talk about the controlling officer in the project. So what we have before us now is the fact that whatever this CHRM was doing . . . and I am not trying to cast doubt on the integrity of them or anyone else thus far. I am not afraid to do so if that is what I feel like I should do, but I want to make it clear that that is not what I am doing. But you have a controlling officer who answers to the minister, who, in turn, has to delegate tasks to his

staff and agree on payments to be made for works or services that are done.

The project manager (which is CHRM) will then provide bills to be paid. But you have nobody in between that circumstance which is again where I say it went wrong. You have no entity in between there with the professional and technical expertise that the controlling officer can rely on except the same project manager. What that means is that you are totally dependent on the project manager that you have hired to ensure that you are getting money for value.

I want to pause here to show the problem. In this day and age if I go to a bank and say *'Well, I've just purchased a piece of land. I want to build four apartments and this is the cost given by my proposed contractor so this is how much I have invested in the property and I have come to negotiate with your bank to loan me this amount of money so that I can get four apartments built.'*

The first thing the bank asks is *'Do you have a quantity surveyor who will sign off and certify your various payments to your contractor so that what your contractor collects for was done?'*

Do you see the parallel? That was not in place. The reason why the bank does that is not for me to spend more money by hiring a quantity surveyor, but the banks have had enough experience where if the project is supposed to be \$90,000, \$90,000 is spent and the project is not completed and the people are in a mess. The banks either have to turn around to lend them more money to get it finished, or the people end up with an unfinished product and have to try to sell it because they have no more funds to finish it.

I am giving my views, and they can do however they see fit when they reply, but as far as I can gather this is where the problem was at the beginning. On many occasions you will end up with a project being completed by the contractor and avoid the use of a quantity surveyor to certify payments making sure you are paying for work that has been completed, but the truth of the matter is, the larger the project, the more important that procedure becomes. This was not a small project.

A quantity surveyor will create both a technical and financial profile which sees a project from A to Z. That qualified person can segment the phases of that project and say that if you have completed up to this amount this is how much money you should get. I dare say that the ministry and the personnel in the ministry found themselves in dire straights on many occasions not being sure of what they were doing. In some instances, I am quite sure they were afraid of what they were doing, but had to go with the flow because they couldn't stop it there.

But that is not to say that there is incompetence or anything wrong with the individuals involved in that process within the ministry. The fact is that they were not equipped. They did not have access to the right advice.

Where doubt comes into play, and again I will go through all of that as I go along, with the expenditure incurred is that you had amounts that you had variations to during the process. You had increases in various areas

and the only justifications for those increases were given by the people who told you that you had to pay them for the increases. That's the problem.

The question is not whether those increases were justified or not, the question is did the process allow for the checks and balances to ensure that there was justification. That's the question.

So, the profile that we see thus far is a project going on, the project manager is accepted by government as having all the expertise to see the project through. We have the ministry merely acting while that project manager is directly responsible to the ministry. They don't have the ability to employ checks and balances, we simply have the ministry operating as a collating device collecting the information being passed on to them by the project manager making sure that  $2 + 2 = 4$  to create the necessary documentation to pass down to Treasury to be double checked by them (meaning just to ensure the amounts are correct), and Treasury cuts a cheque back to the project manager.

In some instances, payments were made directly to subcontractors. But regardless of who the payments were made to that is what you ended up with. You ended up with that procedure taking place and throughout that entire process, at no point in time (in my view) was there any guarantee that any amount paid out was the correct amount that should have been paid out. Not suggesting that people were padding bills or doing anything. Simply saying that there is doubt there and will always be there, and it will never, ever be fixed because of how it was done. That's what I am saying.

I will be moving on to a new topic now, and since it is a few minutes, you might allow me to stop for the afternoon.

**The Deputy Speaker:** I will entertain a motion for the adjournment of this honourable House.

## ADJOURNMENT

**Hon. Thomas C. Jefferson:** Madam Speaker, I move the adjournment of this Honourable House until 10.00 AM Friday.

**The Deputy Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.25 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 7 APRIL 2000.**

**EDITED  
FRIDAY  
7 APRIL 2000  
10.35 AM**

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

*[Prayers read by the First Elected Member for West Bay]*

**The Deputy Speaker:** Please be seated. The first item on the Order Paper today is Administration of Oaths or Affirmations. The Administration of the Oath of Allegiance to Mr. Donovan W.F. Ebanks, MBE.

Mr. Ebanks would you go to the Clerk's table, please?

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**

*(Mr. Donovan W.F. Ebanks, MBE)*

**Hon. Donovan Ebanks:** I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

**The Deputy Speaker:** Mr. Ebanks, I welcome you to this Chamber on behalf of Honourable Members. As the Honourable Acting Temporary First Official Member, you may take your seat.

The second item, Reading by the Speaker of Messages and Announcements.

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

**The Deputy Speaker:** I have apologies from the Honourable Second Official Member who will be arriving after 1.00 p.m.

Other Business, Private Member's Motion No. 6/2000 as amended, the continuation of the debate thereon. But before I call upon the First Elected Member for the district of George Town to continue his debate, I would ask for the suspension of Standing Order 14(2) to allow Private Members' Business.

The Honourable Minister for Education, Aviation and Planning.

**SUSPENSION OF STANDING ORDER 14(2)**

**Hon. Truman M. Bodden:** Madam Speaker, I move the suspension of Standing Order 14(2).

**The Deputy Speaker:** The question is that Standing Order 14(2) be suspended in order for Private Members'

Business to be carried out on days other than Thursday. I shall put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 14(2) SUSPENDED.**

**The Deputy Speaker:** Continuation of the debate on Private Member's Motion No. 6/2000, as amended. The First Elected Member for the district of George Town continuing his debate.

**OTHER BUSINESS**

**PRIVATE MEMBERS' MOTIONS**

**PRIVATE MEMBER'S MOTION NO. 6/2000  
AS AMENDED**

**INVESTIGATION INTO THE PEDRO ST. JAMES  
CONSTRUCTION PROJECT ACCOUNT**

*(Continuation of debate thereon)*

**Mr. D. Kurt Tibbetts:** Thank you, Madam Speaker. When we closed off yesterday, I had thus far been able to (in my opinion) paint the picture of exactly the scene that prevailed from 1992 going forward with regards to the implementation phase of the Pedro St. James Project.

This morning let me first of all go about using two little example to prove the point I was making yesterday afternoon. My point during the whole debate yesterday afternoon was that in having Financial and Stores Regulations waived in order to allow for CHRM to be appointed as the project manager, and not involving any other agency or any contractor (not necessarily a building contractor but any other contractor) to act on behalf of the Government, it left gaps within the system of financial accountability whereby the ministry was unable to justify having value received for money spent.

I want to go back to the year 1991 (I think it was), the Civil Aviation Authority engaged in a resurfacing programme at the Owen Roberts Airport runway. When that was done, it was the Civil Aviation Authority who was getting this resurfacing done on their property. The Pub-

lic Works Department (who are not professional airport runway pavers, if I may use that term) hired an engineer to design and develop procedures, calculations and everything else so that a contractor could do the paving. But this was acting on behalf of the Civil Aviation Authority.

After this was done, the job was put to tender. Whoever won the contract to do the paving did the paving. Public Works then retained the consultant engineer as the resident engineer during the time of paving to make sure that everything was done properly. Now, this is Public Works acting on behalf of the Civil Aviation Authority. Public Works then ensured that what was contracted for was done, and that it was contracted for the price agreed upon before the job started. They also hired the technical expertise needed to see the job through.

Public Works at that time was acting for . . . while it is a statutory body it is still considered an arm of government. What did not happen at that point in time was that the entire system was bypassed because Public Works did not have the in-house expertise to ensure that the job was done right. What Public Works did was ensure that there was value received for monies spent.

Let us look at another example—the George Town Hospital, which is probably the single largest individual project by way of money spent that this government has engaged in. If I am not mistaken, that contract was in excess of \$20 million, plus whatever else. How was that done? The ministry knew what it wanted. Public Works hired a specialist architectural firm from overseas. They went through the usual process and hired this one after acquiring a list of qualified firms. After plans were drawn and all of the changes and additions, agreements and whatever, the plans were approved.

Public Works did not hire anybody to do the job it. Public Works went through the normal procedure as set out in the Finance and Stores Regulations. Part of the expertise needed was not in-house so it was acquired from overseas, that is, the expertise with regard to the architectural design, drawings, plans and all of that. Then through a tendering process, bids were accepted. I think McAlpine Limited was awarded the bid for the hospital itself.

Now, Public Works Department was still not out of the picture after that. Because of the magnitude of the project, the Public Works Department was instrumental in hiring a project manager who was on site. Now, you have a contractor, Madam Speaker, a main contractor who is responsible to produce and deliver what the contract says at the price arranged. If there are any changes (because that can happen in anything you do) you have the methodology in place where you justify and verify what those changes are, what the additional costs are going to be, the variations, etcetera, and you move on with it.

But the point I make about it is that while you had your contractor—again I underscore that was the largest single contract from a dollar point of view that the government had engaged in to my memory—anyhow, while

you have your contractor, Madam Speaker, there was a project manager directly responsible to the Public Works Department who was acting on behalf of the government ensuring that when bills were presented by the contractor that those bills were verified and justified.

But then he had to answer to Public Works too. Public Works had to say, 'yes, *everything is fine*' before any cheque was cut. You see, the Ministry did not go and hire this man to be the project engineer and tell him to hire McAlpine Limited or whoever he wanted to do the job and the Project Engineer send the ministry the bills and the ministry just send it to Treasury to get it paid. There were checks and balances. I use that example and the previous one to show what I am talking about when I say checks and balances.

Madam Speaker, let me interject here to say that the whole basis of the argument has nothing to do with anyone's incompetence—especially the staff within the Ministry of Tourism. It is all based on the fact that the whole thing from the very beginning left too many areas open for uncertainty because the proper checks and balances were not in place.

At the PAC Meeting which just took place, Madam Speaker . . . actually before I get to that . . . Officials from the ministry themselves have said that there was no formal agreement between the ministry and CHRM whereby the ministry assumed the full responsibility for the overall financial profile of the projects. For the first two years of the project, the ministry personnel did not even have the technology to provide the financials required to manage a project of that magnitude (that is, ministry staff themselves). That is not making excuses, that is simply stating the facts.

During all of this time, surely the minister must have recognised what was happening. When we look at the functions of the staff in the ministry and we hear about the overall financial profile of the projects, not having that ability the disadvantage that is immediately created is that no one can then look at a bill that is passed to the ministry and be able to know whether the bill is justified. All they can really do is add the figures up, make sure that is correct, and pass it on. They can't do anything else because they don't have the wherewithal to do it. It is nothing to do with whether they have the sense because at that point in time it was nothing to do with competence or intelligence, it was simply that they were not provided with the wherewithal from day one.

So, with that great disadvantage, at the end of the day we have to actually say they did well given the circumstances. But that is not the argument. The truth is they are not in the picture. The question is: why were the circumstances created to put everything at such a disadvantage and allow it to continue in that manner? I contend that staff should not have been exposed to that.

When I started off the debate yesterday, I went through after the conceptual stage and the consultancy stage creating the concept of what the project was going to look like at the end of the day. Everybody was exu-



berant and happy with the knowledge that seemed to be there. Somebody had to have been able to say, *'yes this is how we would like it to be, and we can use this knowledge to ensure that at the end of the day the project looks the way we want it to look. But beyond that we have to have due process and proper procedures to accomplish it'* and that is where the breakdown took place, in my view.

Obviously, at the end of the day the big question all around is who was responsible for that? Accountability, Madam Speaker, that is the question. So, as has been brought into play by the Government Minute, we have the Historic Sites Committee, the staff at the ministry, the Minister, Executive Council and the Treasury. The only reason why I cannot name fifteen more is because you cannot get fifteen more dragged into it because as many as could have been would have been.

Madam Speaker, this exercise is not to take all the people involved from A to Z to find out how much wrong they did. This exercise is to prove, first of all, that at certain times during that whole process there was mismanagement. Mismanagement doesn't mean I went and took \$200 out of the till and put in my pocket and ran away with it—that's theft! That is not what we are talking about.

Let's look at what you have to deal with and who you have dealing with it: The Government Minute says that on the recommendation of the Historic Sites Committee the ministry prepared a paper and took it to Executive Council to get section 8(1) of the Financial and Stores Regulations waived to get this man—or let me say it correctly, CHRM—to evolve from consultant to project manager.

No one in their right mind would expect the Historic Sites Committee—no matter what its composition, no matter who was on the Historic Sites Committee—to expect them to talk about the procedure that had to take place. They could only say what they wanted to say based on what had happened, and what they wanted to see in their just minds was to ensure that the project was completed in the way it was envisaged. They wanted to use the expertise of CHRM.

Now, I can promise the world . . . I don't have the facts in front of me but I will bet anyone if there were minutes of whatever meeting that decided that (the minutes of the meeting of the Historic Sites Committee) . . . I don't know exactly what took place, I only know what the Government Minute says. But I will bet anyone that if the truth were known about that, nothing about procedure came into the play with all of this; it was just simply what you wanted to achieve. That was somebody else's job so don't put in the Government Minute and try to make it sound like the government or an agency or an arm of the government acted on the recommendations of these people as if these people were qualified to recommend to get it to that stage in that manner. It could not happen and they knew it.

But I can read and I can understand and I know it too. You see, if you and I are walking down the road and

I take a slingshot out and I fire it and hit somebody else in the eye, I am going to spread the blame because two of us fired it (you and me) and the punishment might be less. That is how life is. You might simply have been in my company—a totally innocent bystander. It just happened, but, by association, culpability exists.

So, as far as I am concerned, if an error in judgment is to be placed it cannot be levelled with the Historic Sites Committee because the concept of what they wanted to achieve was not wrong. And I am not arguing that. I am arguing procedural matters. Madam Speaker. Our minister is a former financial secretary who continues to tell us about his experiences with government. I don't deny that and I don't argue about that. I know it is the truth. So, for me, he has to get up and justify why this procedure went the way it went. I will just have to wait and hear why it went that way.

But, if I am going to act responsibly, I cannot be expected not to bring a motion of this nature—I must bring a motion of this nature because otherwise until all of us are in the grave, the truth will not be known. We will be lucky if this will help to bring that process about. Anyway, that's all that is being sought, nothing more.

Madam Speaker, I don't often say this, but Darwin Kurt Tibbetts has no intention, no desire, no inkling to stand up and accuse anyone of anything if I know better. But I refuse to live my life in the shadow of doubt about all these things and not find out the truth. Then you say, *'if you are going to be a good person, you better say nothing about it because you really don't know the truth.'* That cannot be normal procedure in life, it cannot be! Hence the call for transparency.

These contracts, whatever they were, everybody should be able to look at them because once everything was done properly, according to the contract, nobody has an argument. But that doesn't mean that I must either sit or stand and say, *'well, that's how it is so we have to live with it.'* No! Hence the call for change. And if it takes a change in bodies to bring about a change in the system, let's get it on. My job as the mover of this motion is to build the case to show that the motion is legitimate and it must be replied to.

Madam Speaker, during the course of all of this, after CHRM was appointed the project manager for the implementation phase of the Pedro St. James project . . . if I am going to get this totally correct, I will have to crave your indulgence just to read for a short bit.

In the Auditor General's Report (which was discussed in a public forum at a Public Accounts Committee meeting on Monday of this week) at page 41 of this report under the heading of "Multimedia Contract" it says, **"One of the main features of the Pedro St. James sight is the multimedia theatre. This theatre building was constructed as part of the visitor centre project, which was tendered. The main consultant, Commonwealth Historic Resource Management (CHRM) has confirmed to the ministry that the multimedia production contract was also tendered. Two Cana-**

dian consulting companies were extensively interviewed and, as a result of the interview and written proposals, the project manager recommended that the Ministry hire Steve Shaw Productions (SSP). The Audit Office was able to review only the winning technical/financial proposal. Other submission(s) were not made available to us, nor were the criteria by which the two competing bids were judged.”

I stop right there to prove one point, the Auditor General could not get the information as a check and balance to ensure that the bid was given fairly. The ministry (who the project manager was directly responsible to) obviously does not have that information. Having hired the project manager and trusting them to do justice to the project, they gave assurances that this bid was done fairly and openly, and two firms were consulted. But no one has the ability to look at any records to verify that.

Madam Speaker, I am not suggesting that all that is said is not true. I am not suggesting that SSP were not the right people to hire. But, again from the looks of this, we will go to our graves and never be able to prove it. That's the whole point. You must have your checks and balances. I just wanted to stop to make the point to reinforce my line of argument.

The Auditor General went on to say, **“The Ministry met with the Chairman of the Central Tenders Committee and explained the reason for the recommended selection.”**

The ministry now is going to go back to the Financial and Stores Regulation, but it has already bypassed via Executive Council . . . I don't know what, but they go back now to say that they are going to check with the Chairman of the Central Tenders Committee (CTC).

**“The Ministry subsequently made a submission to Executive Council seeking approval to hire SSP as a sub-contractor to CHRM. The Ministry has advised us that CHRM also contracted with 11 other sub-consultants to provide services. We have no knowledge of these contracts nor any details of the financial and technical arrangements between the various consultants.”** If the Auditor General's Office cannot get their hands on these documents, it must mean the ministry doesn't have them—and nobody has them that matters in Cayman. What that means, Madam Speaker, is that the ministry did not have the ability—not the individual ability of people. I am talking about the technical ability to ensure that that type of thing was done correctly.

You see, some people will use the argument that if you hire a project manager, you have to put your trust in the project manager to act on your behalf to do what's right. Certainly! But you must have your checks and balances. You must! Everywhere in the world—the smaller shops these days operate like that. You have your cashier and if you hire a cashier your immediate thought is that you must hire that cashier because you trust that cashier. You trust that cashier until that cashier does something to make you not trust him, but you have got

your tapes and you have got your computer systems with the cash register which includes your inventory and all that as your safeguard. If you don't have a safeguard and if you have a cashier that is a thief, he could put you bankrupt and you not even knowing it. That is not assuming that every cashier you hire is a thief. That is simply having your checks and balances in place so that if something goes wrong you can find it out quickly before too much damage is done.

That's what it is about in everything you do. Probably the only thing that doesn't have that kind of thing is marriage, but outside of that you have to.

The Auditor General went on to say, **“The sub-contractor's budget submission did not state the currency in which prices were expressed. The possibilities are Canadian dollars [since it is a Canadian firm] or Cayman Island dollars [because we are in Cayman].”** I guess you could also add US dollars because lots of things are done in US dollars. So, you have three possibilities that could be wagered. **“The paper submitted to Executive Council [that is, the paper from the ministry asking Executive Council to allow CHRM to subcontract with SSP for their part of the multimedia theatre] makes no reference to either Canadian or US dollars. It seems to have been assumed by all concerned that the SSP bid was expressed in Cayman Islands dollars, and this was confirmed by CHRM to the Ministry in June 1996. Subsequently, in March 1999, CHRM indicated that the SSP price was actually expressed in Canadian dollars. The intent was that this would be converted to Cayman Islands dollars to allow for CHRM's “consultant fee” for supervision and input on the multimedia subcontract. It was pointed out to CHRM representatives that this was not written into the contract provisions and the CHRM representatives could not produce any written confirmation.”**

So, you have a situation where you have a contract not expressed in any currency and you work on the assumption that the contract was written in Cayman Islands dollars. You get it confirmed in 1996, yes; but then in 1999, you have another story coming from the same source which says, *‘you know, it actually was in Canadian dollars when I, the project engineer, contracted with a subcontractor. My contract with the subcontractor was in Canadian dollars but when I billed the government, I billed them to pay me for that contract in Cayman Islands dollars because my consultancy fee was the difference in Canadian dollars to Cayman Islands dollars.’*

Madam Speaker, legitimate? Very possible. By coincidence, the consultancy fee could have worked out to the exact exchange difference between the Cayman Islands dollar and the Canadian dollar, that is possible. But, Madam Speaker, the procedure cast doubt on the whole exercise. I am not an evil person but it seriously casts doubt in me. How could I be working for you and just assume that it is okay to do it like that? You cannot

do that. And then you are worse off because you don't have the ability to find out how I am doing it.

Therefore, with the best of intentions, I have you at a serious disadvantage. Here you are with so much trust in me that I can almost do as I please. That's the problem. The question is not whether I am a good person or I am not going to do anything that is wrong. That is not the question. The question is, in professional relationships such as this you must have proper procedures in place to allow for checks and balances because prevention is better than cure. That's all. That's the whole argument.

Madam Speaker, I do have the wind-up on the motion. What I have done thus far is try to make the case as to why the motion is being brought. The public has been concerned for a long time. Rumours will abound. By the time the story gets to the fourth and fifth ear, it keeps getting added to and you hear all kinds of things. I don't want that. I don't want to indulge or participate in that, Madam Speaker. I simply want the truth.

Now, I am basing all of my arguments on documentation that I have before me—not on any rumour whatsoever. Now, if that documentation is not authentic and valid and it's veracity is questionable, then let me hear it. My case has been built on what I have before me.

I am going to allow the government to reply, and, certainly, it will be the Minister of Tourism. Just before I close off, I want to use one final example to show why there has to be doubt and the government's job is to clear up all of that doubt.

Madam Speaker, I am going to try to do this in chronological order. I am going to use round figures. The cost of this project was roughly \$8.7 million by the time Caribbean Development Bank got involved and a loan amount was being negotiated. They came here in 1996 and did all of their research and came up with a financial profile of the project from where they sat.

In the report of the Auditor General for the year end 31<sup>st</sup> December 1997, he said at that time his office was not able to satisfy itself with all of the invoices and everything else. Given what he had to work with, his best estimate at the time was \$9.5 million for the project.

When witnessing before the Public Accounts Committee (when the PAC was addressing this report), ministry officials said that the actual project cost was \$9.1 million. It's in the document. Madam Speaker, the PAC Report says it and anyone who wants to say that's wrong can go back to the meeting of the PAC. I am reading it in that report. It says, "**Ministry officials say \$9.1 million.**" Okay?

A question was asked in the House about what is the total cost of the Pedro St. James Castle project to date. Without going through all the details, in summary the answer says (this was answered by the Minister of Tourism), "**The total cost to Government for research, planning and feasibility, restoration and construction, land acquisition, stamp duty, start-up cost and pre-operating expenses was \$8,677,071.**" [*Parliamentary Question 102, page 929 of The 1999 Official Han-*

*sard Report*] According to this answer—right on the button, but this answer was subsequent to the debate in the Public Accounts Committee, and subsequent to the Auditor General's guesstimate, with what he had to work with.

In this last PAC meeting, ministry officials said, "**The final total construction cost of Pedro St. James has been determined, thanks to the help of our financial controller who has worked many long and tedious hours, and Mr. Max Jones of PWD, to be \$6,937,010.97.**

"**If we add the land acquisition of \$775,000, and the stamp duty paid of \$77,500, we come to a total of \$7,789,510.97. These are all Cayman Islands Dollars to the best of my knowledge and belief.**

"**Based on the estimates from Caribbean Development Bank, the final details of which we are waiting to receive any day now, the commitment fee of \$41,000 and the interest during construction of \$340,000 brings the total project cost to \$8,170,510.97.**" [*PAC Meeting 4 April 2000, page 14*]

So, as of Monday, the total project cost is roughly \$8.2 million compared to the \$8.8 million that was given by the minister not so long ago.

In the answer given by the minister when it has the whole list of amounts that bring up the total, it has a commitment fee of CI\$57,246 and loan interest of \$203,437. When you add those in, that brings it up to the \$8.7 million according to the answer. Commitment fee is \$57,000, the loan interest is \$203,437. But when they added everything up, it is \$8.7 million.

Now in this one, the commitment fee is only \$41,000 and the interest during construction is up to \$340,000 but the total is down to \$8.2 million.

I do not want to cast doubts, but I am saying when I look at that it . . . I don't know, somebody needs to explain that. But you see, Madam Speaker, I don't operate like that, so when I got this original answer . . . for the love of me, I don't know why I kept this single sheet of paper. That's why the Minister of Education laughs at the two boxes on the left-hand side of me wondering what all this stuff is.

Anyway, when I got this figure in an answer to a substantive question in writing from the minister, saying \$8.7 million, I tried to determine exactly how much was spent during the years so that I could have a good idea and compare that with what amounts were budgeted. You know me, that's my style.

From the Treasury, came back this answer, it is in columns. It has the year, the number of the vote within the budget document, the amount that was budgeted and how much was actually spent. In 1995, this long number which was the vote number, the budget was \$1 million. The actual expenditure says, "See Note 1." Now, there was a budget for \$1 million for Pedro Castle in 1995—"Actual expenditure, See Note 1." Note 1 reads, "**It appears that expenses for both the Botanic Park and Pedro St. James Castle projects were charged to this one vote. The total budget [was] \$1,692,000, ex-**

penditure [was] \$1,609,000.” The Treasury drew that from their information.

In 1996, there is the vote and nothing in the budget—“Actual expenditure, see Note 2.” Note 2 reads, “In 1996, payments charged to votes . . . appear to be both for the Botanic Park and Pedro St. James Castle even though the estimates show no budget for Pedro St. James Castle.” For those two votes of that year, the budgeted amount for the first one was \$917,000 and the expenditure was \$740,000.

For the next one, the budgeted amount was \$400,000 and the expenditure was \$380,000. For 1997, under the vote there was a budget of \$1.5 million. The actual expenditure was \$1,220,000. Again in 1997, under another vote, there was a budgeted amount of \$295,000 and it says, “See Note 3.” Note 3 says, “The estimate shows this amount as Government contribution to Pedro St. James Castle Project Cost” (that is, \$295,000). However, this note also includes payments made for the Botanic Park as well as Pedro St. James Castle. The total budget was \$1.6 million and the total expenditure was \$1.34 million.

In Monday’s meeting when they said they have a new controlling officer working in tandem with Treasury has come up with all—

**The Deputy Speaker:** Honourable Member, I think it was the Financial Controller not a new controlling officer.

**Mr. D. Kurt Tibbetts:** Financial Controller. I am sorry.

The Financial Controller working along with Treasury Department has agreed that the total figure is \$8.2 million (and I am rounding these figures off). What I just used, totally explains to me why that could happen because you have one vote in the budget and it involves two projects. How bills are presented and paid does not necessarily differentiate and allow anyone to reconcile properly exactly what amount is for what project.

When a line item that says “professional fees (off the top of my head) \$300,000” is paid out you probably cannot reconcile exactly how much of that amount went to specific projects. Now, understand this: I am not questioning that methodology. But the question has to arise because there is no other agency with the ability to reconcile that. You cannot run a country like that, Madam Speaker! You cannot do that!

So, while the Treasury and the new Financial Controller agreed on these figures, that’s because that’s all they can work from. They cannot just look at this other thing like was shown to me here, they have an amount but it says that it was for both of those projects, for instance . . . but the Treasury has no way of discerning how to divide it up. They cannot split it in two and know that’s correct. They have something that shows that it is an estimate for the Botanic Park but obviously bills were paid out to it—how are they going to know all that?

Madam Speaker, when the Auditor General comes into the play, the information is not there for even them to

create the miracle to put it together. That’s where the problem lies, and it is not because staff didn’t do what they were supposed to do. Madam Speaker, the world knows that, and I have repeated that to ensure that no one tries to say that that’s what this motion is trying to say—because it is not. It has nothing to do with them. The fact of the matter is they should understand who should be responsible for putting them through this. That is what they should do but I don’t have to say anymore about that.

So, Madam Speaker, that little example that I just used shows again that with the best of intentions it is going to be a long time coming before people are convinced that whatever figure they say is the correct figure. I am not suggesting that anybody is trying to juggle the figures, I am not saying that. I am not even trying to intimate that. I am simply using that to show that it went wrong from day one because the proper checks and balances were not in place and it should have been realised from then.

Madam Speaker, if I go to the shoe store and I buy a beautiful pair of shoes, and I just tried them on and they fit but I didn’t walk in them for very long, if I paid for them and went home and I got up the next morning to come here and I put them on but by 11.00 am I have to take them off and push them underneath my desk because it they hurt my toe, are you going to tell me that just because I paid for them, I am going to have to wear them until they wear out? No sir! So, I made a mistake. If because I wore them they are not going to take them back, I will have to buy a new pair of shoes. Am I not right? I am not going to punish myself because if I buy a pair of shoes to last me two years, I am not going to punish myself for two years just to admit that I made a mistake.

So, all this time it had to be known that it was going wrong. It cannot be at the bitter end when somebody questioned something that it was realised. It cannot be. I don’t know why. I don’t even know whether I should ask why now, but obviously something went wrong and it went wrong from the beginning.

Madam Speaker, it goes to prove that it is much better . . . well, not just to know but to admit something is wrong and correct it. rather than to try to go on pretending that it did not happen.

**The Deputy Speaker:** Honourable Member, is this a convenient point to take the morning break?

**Mr. D. Kurt Tibbetts:** Yes, Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended for fifteen minutes.

**PROCEEDINGS SUSPENDED AT 11.31 AM**

**PROCEEDINGS RESUMED AT 11.59 AM**

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Private Member's Motion No. 6/2000 as amended, continuation of debate thereon. The First Elected Member for the district of George Town.

**Mr. D. Kurt Tibbetts:** Madam Speaker, as I was saying before we took the morning break, I think perhaps I have built my case to justify the motion coming forward. And in summary, I would again ask for your indulgence just to quote one section, page 50 of the Auditor General's report.

This is under the heading of the "Role of the Ministry of Tourism." I think if anything is self-explanatory, this statement is. The Minister moved the motion and changed one of the WHEREAS sections—

**The Deputy Speaker:** Amended.

**Mr. D. Kurt Tibbetts:** Amended one of the WHEREAS sections to say that all reports are "self-explanatory" as the original motion read, all reports "indicate mismanagement." I don't agree with that across the board, but if anything is self-explanatory, what I am amount to read now is.

Under the heading of the "Role of the Ministry of Tourism," the Auditor General says, "**Normally, oversight of construction projects is the responsibility of Public Works Department who have considerable expertise in this area. For very large and complex projects, for example the George Town Hospital, a specialist in-house team is assembled. The development of Pedro St. James was complex and unique in many ways. Public Works was not involved until late 1997, after the date of most of the transactions described in the preceding paragraphs.**

"During the early stages of the project, the role of Ministry personnel was restricted to processing payments authorised by CHRM. It is clear that both the Ministry of Tourism and Treasury personnel relied on the certification of contractor invoices by the main consultant, CHRM.

"As the role of CHRM changed from consultant to contractor, the role of the Ministry of Tourism became much more difficult. Due to the lack of proper oversight, the contractor seems to have been allowed to ignore obligations under the existing landscaping contract and was permitted to arrange sub-contracts to execute the works.

"The Ministry continued to rely on the consultant certifying invoices for payment, including his own as the contractor. Ministry personnel appear to have acted in good faith throughout."

Madam Speaker, let me just interject here. I have no doubts about that. I would even disregard the word "appear," because I am confident that the ministry personnel acted in good faith. However, as administrators they did not possess the technical expertise necessary to deal with a project of this complexity.

Again, Madam Speaker, the Minister was totally aware of this before the ministry started to act that role. "**The consultant did not maintain appropriate financial records for the project as required and, as a result, the Ministry found it difficult to exercise meaningful control over contract claims. In hindsight, independent expertise should have been secured in order to monitor the contract/consultant's performance, enforce compliance with the terms of the various contracts and ensure that Government's interests were safeguarded.**"

Madam Speaker, that is self-explanatory and I believe that the motion is quite in order. I accept that the minister will have to reply to justify all of the actions that I have queried. I will simply listen to what those are and, hopefully at the end of the day, we can arrive at the truth, and that wherever anything needs to be corrected in whatever fashion that the lessons will have been learned.

I now wait to hear what everyone else has to say. Thank you.

**The Deputy Speaker:** Does any other Member wish to speak? (pause) If no other Member wishes to speak—The First Elected Member for the district of West Bay.

**Mr. W. McKeeva Bush:** I see the Minister—who should have really been on his feet—laughing like the Cheshire cat. I don't know what he is laughing about . . . nevertheless, I believe that it behoves members to say something on this motion.

Madam Speaker, I believe that the mover, the First Elected Member for George Town led a pretty good case. I thought that he made enough submissions for the Minister of Education or the minister responsible for the matter, the Minister of Tourism, to rise and answer. But I realise that the Minister of Tourism would not want to speak before I do, and perhaps others as well.

Madam Speaker, after a long time, this motion is finally before the House. But not before the Minister amended it so that the Treasury could take some blame too. It is a long time since this motion has been before the House. The Auditor General said last November or December that the ministry had the report from May. We were told that we could not debate the motion, that it could not go on the Order Paper because the report was not yet done.

The motion says that this Honourable House records its lack of confidence in the Minister's handling of the project. And, further resolves that upon completion of the technical audit of the landscaping contract for this project, any parties responsible for fraud, misappropriation or any other illegal action be identified and be the subject of appropriate legal action and that this Honourable Legislative Assembly be appraised of the proposed course of action.

Madam Speaker, I guess maybe a year or some years ago, I asked [some] questions to the Minister of

Tourism: (a) Whether CHRM Cayman holds or has held a Trade and Business Licence under Cayman Islands Law? (b) Who are the shareholders and directors and their nationalities? (c) Was there any kind of investigations into the background of those persons?

Well they said they could not answer it. They kept putting it off day after day, week after week, month after month, and I kept getting into hot water with the Leader of Government Business over these questions because they were running, ducking, and hiding.

Finally, these questions were answered in writing and strangely enough, a couple of days after the prorogation of the House they answered it quickly. That is so because they didn't want to answer it publicly thereby depriving this member of any supplementary questions to further enlighten us on this whole issue.

But the answer to the question says, **"No, the company** [that means that the company has not held any local Trade and Business Licence] **was recruited to do work for the Cayman Islands Government and it is not normal that the Trade and Business License are required.**" With that kind of answer, you can see why the minister was ducking the question for so long.

Certainly, if you hire a consultant or the government hires a consultant, then you [need] a Trade and Business Licence at least. Certainly, where the consultant became a sub-contractor he ought to have had a lawful Trade and Business Licence. So, they did all this work not as consultants but as sub-contractors and had no local Trade and Business Licence. How many people in this country would get away with that?

The next question that I posed that they didn't answer but put it in writing was "Who are the shareholders and directors and their nationalities?" It says, **"on the advice from the Legal Department, we are unable to divulge this information."** I wonder why. Why can't we, who are custodians of the people's money, know who is working for us? And it is supposed to be a local company? Why? I ask.

In fact, I could sum up this whole issue by saying why? Why? Why? Who? Who? Who? How much? How much? How much? I could sum up the whole thing with that because nobody knows. It seems like everybody is of a different opinion.

From the onset, the ministry, or somebody, said that the total cost is \$8.2 million. The minister in his answer to the House said, *'no, no, its not \$8.2 million but \$8.6 million'*. The Auditor General—the man charged with the responsibility of checking into matters to see that things are well balanced, charged by the Constitution to tell the truth—says, *'no, it's not \$8.2 million, it's not \$8.6 million but \$9.5 million.'* So, we have three huge differences. Who is right? What is the right figure? Who is telling the truth?

The third question. "Was there any kind of investigations into the background of those persons?" The minister answered in writing, **"This company was successful in being awarded the contract in 1991 by Historic**

**Sites Committee with members of the National Trust, National Archives, National Museum, Public Works and some private sector individuals in consultation with the Chairman of Central Tenders Committee to ensure that Financial Stores and Regulations were followed."** I don't think my question was answered—"Was there any kind of investigations into the background of those persons?" That was the answer coming from the Minister of Tourism.

Is it any wonder, Madam Speaker, that the Minister of Tourism ran for so long from those questions? Is it any wonder that they were ducking and hiding when we get these kinds of answers?

I had no way of clarifying or even saying to the Minister, *'Look this is not the answer. Tell me what I asked. Give me an answer on what I asked.'* Instead, they run, they hide, they duck, they play hide and seek with the matter.

Madam Speaker, from the outset, we need to make it absolutely clear that blame cannot be put on the civil servants of this country on this issue. The case before us is as clear as the day is long: The minister allowed a foreign company who had no trade and business licence to rip off this country! He allowed a project to start that was not well thought out and did not have the means to be prudently managed. The money belonging to the Cayman Islands was given to CHRM as if they had some right to it, or as if they had some secret agreement with somebody so he could behave or that company could behave with impunity and refuse to provide the Auditor General with sufficient reconciliation to clear the matter up. How sad!

In the Auditor General's Report, it says, **"The Audit Office was able to review only the winning technical/financial proposal. Other submission(s) were not made available to us, nor were the criteria by which the two competing bids were judged."**

Madam Speaker, what we have here is a lack of document and proper audit trail, and differing proposals for a contract (in this case the multimedia production contract). How can you speak of open government when at the end of the day adequate data is not maintained with something as critical as where the public's money is spent?

The Auditor General's Report says, **"The sub-contractor's budget submission did not state the currency in which prices were expressed. The possibilities are Canadian dollars (the contract was between two Canadian companies) or Cayman Islands dollars, with US dollars as another alternative. The paper submitted to Executive Council makes no reference to either Canadian or US dollars . . . It was pointed out to CHRM representatives that this was not written into the contract provisions and the CHRM representative could not produce any written confirmation."**

The currency that is not stated in a contract shows a complete lack of professionalism and attention to detail.

Did they not feel it necessary to be specific when spending the public's money?

The Auditor General further says, **"The Audit Office has contacted both the main consultant and the sub-contractor to try to establish the facts. CHRM has declined to provide the information requested. CHRM has stated that the contract in question was between CHRM and the sub-contractor, and that the contract between CHRM and the Ministry does not require the sub-contractors to confirm receipt of funds nor the currency paid."** The Audit Office disagrees with this interpretation.

Madam Speaker, is there something to hide here? It would appear to any reasonable person that CHRM was a key part of this arrangement and their agreement with Steve Shaw Productions (SSP) should be disclosed with the view to the public's interest. Why not? It's the public money. Why can't the Audit Office have the information? Why can't the Auditor of the Cayman Islands have the information? The Auditor, whom this government put in the Constitution . . . Why should a company that is spending the country's money decline to provide the necessary information requested to back-up billings and provide proper documentation? It's sad, sad, sad!

The Auditor General says, **"The Audit Office has not received all the information and explanations required to complete its review of this contract. Although we are able to attest that the payments made are consistent with SSP sub-contract, we are unable to assess whether the contract price paid was reasonable. This case illustrates the dangers of single source supply arrangements where the client department has little or no knowledge of the prevailing market price for a good or service."**

It is so bad that the Auditor General says, **"The Audit Office does not intend to allocate any more staff resources to this contract."**

At the end of the day, the public's money appears to have been spent with complete disregard to obtaining high value for the dollar spent. What sort of leadership is this?

The Auditor General says, **"Invoices were submitted to the Ministry of Tourism for payment and were charged against the projects. However auditors were not able to locate a contract document and it is understood that there was no formal agreement for this arrangement. Auditors did however locate a memorandum addressed to the Ministry of Tourism advising that labourers would be paid \$60 per day and that CHRM would add \$30 per day to cover administration and insurance."**

**"As the Ministry's files did not contain the relevant memorandum, we supplied them ["we," meaning the Audit Officer] with a copy. We remain unsure whether the cost uplift agreement was ever approved by appropriate personnel."** Madam Speaker, what this shows is that the CHRM administrative and insurance

fee is 50% of the labour cost per day. Why so high I wonder.

Again, Madam Speaker, why so high I should ask and why wasn't it approved? Again, there is no documentation showing whether it was or not. Again, the conclusion is that this shows a completed disregard for public money and the lack of professionalism. Although the minister took out the word "mismanagement," you can be sure that by all indications there was a tremendous amount of mismanagement.

Madam Speaker, the Audit Office says in the report, **"Following a request for information, auditors reviewed payroll sheets provided by CHRM covering the period, January 1996 to October 1997. The Audit Office is fully satisfied that gardeners were paid at the rates specified and we are satisfied that the work paid for was actually performed. However a number of invoices examined do not appear to comply with the cost uplift of \$30 per day and it is estimated that an additional \$30,605 has been paid to the contractor/consultant [that is, CHRM]."**

**"It was also noted that [and I am reading from the report] one salaried officer was paid through the direct labour contract. In this case the cost uplift was \$1,500 per month, which is considerably more than the \$30 per day stated."**

If they had paid according to the \$30 per day, it would have been \$600 per month and not \$1,500. I am reading again from this report, **"The total paid for this employee was \$45,000 over 10 months with \$1,500 administrative costs added on. The consultant/contractor [that is, CHRM] was invited to provide an explanation but at the date of preparing this report had not responded."**

Madam Speaker, this report I am reading from is the Financial Statements of the Government of the Cayman Islands for the year ended 31<sup>st</sup> December 1998—two years ago. No local Trade and Business Licence, does not respond to the Auditor General . . . who are they responding to?

A question on this matter, Madam Speaker, is why was an additional \$30,605 paid to CHRM? Why was the salaried officer paid through the direct labour agreement? And, why did CHRM refuse to respond to the Auditor General's query? Is there something to hide? Madam Speaker, this is bad. Bad! And again, although the minister took out the word (with the majority in this House) "mismanagement," this is nothing but mismanagement!

The landscaping contract: We know that CHRM was allowed to act as contractor and consultant. What does the Auditor General say about it? Because of all the conflicts, the Auditor General decided to carry out a full financial and technical audit and they were assisted by an independent consultant quantity surveyor. What do they say about it? **"What appears to have occurred in the landscaping contract is a hybrid arrangement whereby contract payments have been made against**

both the original contract and subsequent sub-contracts. Some payments were made direct to the sub-contractors concerned, whilst other sub-contract costs were invoiced by and paid to the main consultant/contractor.

**“Although it has not been possible to determine precisely the total cost of the project, there appears to have been a substantial cost increase over the contract sum (\$357,702) agreed in July of 1996. This cannot be attributable to an increase in the scope of the works.”**

Madam Speaker, this is a complete lack of regard for accountability to the people of these islands. How messy this must have been as the Auditor General's Office could not ascertain the total cost of the landscaping contract. And these officers are trained professional auditors checking item by item, dot by dot, each piece of paper, each document that they had or could find or were given; talking to people, looking through this and that. How messy this must have been.

Madam Speaker, the First Elected Member for George Town, the mover of the motion, pointed out that this project is the responsibility of the minister—who is a former Financial Secretary. This does not speak well of good management style. Certainly, accountability was not employed. And if financial management had been applied properly to this project, you would not have these kinds of shenanigans in here.

Responsibility for fiscal management, the Auditor General says, **“The consultant provided a budget report in March 1999 which indicates a total cost of \$519,585. The Audit Office has reviewed this report and has raised a number of material observations which indicate possible errors and inaccuracies and has requested clarification from the Consultant.”** The consultant, that is, CHRM—the one that has no local Trade and Business Licence—is doing landscaping work and not overseeing the project as a consultant would but actually doing the work.

**“The Consultant has indicated [and I am reading again from the report] that it would not be possible to provide the information requested until October at the earliest. At the date of preparing this report, the information requested had not been received.”** The report is one for 1998. Why has the consultant not been able to, or made to respond to the material observations of the Audit Office? Why has the ministry not stepped in to ensure that the people of these islands are provided with accountability as to where their money has gone? Why? I ask. Madam Speaker, only in the Cayman Islands could this happen.

According to the Auditor General (and I am reading from his report), **“The Consultant told the Audit Office that the Ministry of Tourism was responsible for maintaining project records. The Consultant stated that the ministry decided to remove bookkeeping services from the Consultant's contract and assumed it was in-house. This appears to run contrary**

**to the terms of the Consultant's contract and there is no record of any variation to the Consultant's scope of work.**

**“The Ministry was invited to confirm whether or not the Consultant's statement is correct. They confirmed that the contract between the Government and CHRM requires the consultant to maintain clear financial records of both projects. The consultant was contracted and fully compensated to provide the various services of project management.**

**“As a general rule, there is still no overall financial profile of the various elements of the project which have been reconciled to the Treasury's general ledger.”**

Who is telling the truth? Was the ministry or the consultant responsible for maintaining project financial records? How can we have a project of this magnitude not being able to comply with basic financial transparency? What I am saying is that the Audit Office was not able to agree the financial records of the project to those of the treasury—no reconciliation. Is this not mismanagement? We are not looking to blame, but the responsibility lies with the minister. I would hope that with three lawyers working on it they would be able to answer when they get up.

Madam Speaker, **“It is observed that most of the sub-contracts are not structured in accordance with consultant's contracts with the Government. This requires the consultant to invite tenders for the works and the successful tenderer to enter into a contract with Government direct. All payments under the contract are to be made by the client to the successful tenderer.**

**“In many instances, this procedure was not followed. Certain contracts are between the consultant and the sub-contractor, whose invoices were passed to the consultant, re-invoiced to the Government, and paid to the consultant. In the opinion of the Audit Office, this procedure is not appropriate.”**

Why was there so much confusion over sub-contracts and who should bill Government and who Government should pay? So, the Audit Office has a right to conclude that there was a mess and that the arrangement was inappropriate.

Madam Speaker, under hard landscaping, here is what the Auditor General says, **“There is no clear record of contract variations which justify an increase of 67% on the basic contract price. Auditors were not able to locate an invoice for \$55,000 reported paid by the consultants, but did locate a paid invoice of \$40,000 which was not included in the consultant's financial report. Information indicates that an amount of \$7,082 was to be deducted from the contract in respect of fill material purchased direct. We could find no evidence that such deduction was made.”** The conclusion of the Audit Office is that they are unable to determine final cost of this work or the justification for the cost increase.



Madam Speaker, why are there no records to support a 67% increase in the cost of the hard landscaping contract? The Audit Office could not locate an invoice for \$55,000. The invoice was included in the records and they found a paid invoice of \$40,000 that was not included in the records . . . if we can call them records. Who knows what else was missing from the records or included in the records but had nothing to do with the project. What a mess! It is disgraceful, to say the least, when the Audit Office is unable to determine the final cost of a contract or the justification of a 67% cost increase. Some \$60,000 increase!

Again, with someone who says he has financial knowledge, he can manage financially, and there are other people who cannot do it so they have to run the country. Oh yes! Well, I can tell you Madam Speaker, this doesn't look too good.

**The Deputy Speaker:** Honourable Member, at your convenient point we can take the luncheon break?

**Mr. W. McKeeva Bush:** Yes, Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended until 2.15 p.m.

#### PROCEEDINGS SUSPENDED AT 12.49 PM

#### PROCEEDINGS RESUMED AT 2.31 PM

**The Deputy Speaker:** Proceedings are resumed. Debate continues on Private Member's Motion No. 6/2000. The First Elected Member for the district of West Bay.

**Mr. W. McKeeva Bush:** Madam Speaker, when we took the break, I was dealing with Pedro Castle's landscaping contract and subcontracts.

I am dealing substantially from the Auditor General's report because that portion of the report is public knowledge. Therefore, that's why I am referring to it. The motion speaks about the expenditure. That's the whole concern of the motion. Therefore, I think I am in good standing as far as the Standing Orders are concerned.

Dealing with plant material, the Auditor General said, **"This is described as a sub-contract between the consultant and a supplier. In fact, invoices and payments are in the name of the Consultant. The Consultant's budget summary includes a figure of C\$149,152 of the contract/budget sum.**

**"The only contract document seen by auditors was one for design and procurement consulting services in the sum of US\$14,040. It is understood this relates to the Botanical Park. The Consultant's budget summary reports \$194,974 against this element. Excluded from the Consultant's summary but referenced to the landscaping contract was an invoice for \$67,000 dated January 1997 which apparently relates to services at the Botanical Park.**

**"Another invoice for \$36,000 (not referenced to the landscaping contract) relates to fees for the Botanical Park and Pedro projects between January and March 1997 for structures, and planting design, shipping and installation. This payment was also excluded from the Consultant's budget summary. Another invoice for \$104,010 paid to the Consultant is not adequately supported. The invoice is for 'equipment (\$71,860), shipping (\$7,000), contingency administration (\$10,778) and duty (\$14,372)—Totals \$104,010.'**

**"The sub-contractor's supporting invoice does not describe the equipment purchased and is not adequately supported. The Ministry has commented that many of the plants have died [plants, that is, landscape]."**

The Audit Office concluded: (a) **"In the opinion of the Audit Office these invoices totalling \$207,010 are questionable and do not confirm to the contract between the Government and CHRM.**

- (b) **"It is not possible to determine conclusively the total amount paid against this contract. Taking into account potential audit adjustments, total expenditure on phase 1 landscaping may have been as much as \$607,585.**
- (c) **"It is possible that some of the invoices may relate to goods or services provided for the Botanical Park project.**
- (d) **"The Audit Office has not received all the information and explanations requested from the Consultant.**
- (e) **"Ministry personnel did not at any time assume the role of project manager. This was the reasonability of CHRM who were responsible for certifying invoices for payment. Ministry personnel relied upon CHRM's certification of invoices, as did the Treasury Department. It would not have been practicable to expect ministry officials to physically check the delivery of goods and services to sites against contractor consultant invoices."**

Madam Speaker, the Audit Office was baffled at the lack of accountability and basic controls surrounding this contract. Invoices totalling \$207,110 (as are reported by the Auditor General) are questionable and do not conform to the letter of the contract between government and CHRM, the Audit Office could not determine conclusively the total amount paid against this contract.

Madam Speaker, as I said earlier, these are trained auditors, professional civil servants who check everything—every document, every piece of paper, talk to people. That is their duty. The Audit Office reports that there are potential audit adjustments and that the landscaping contract may have been as much as some \$607,585 due to the mess surrounding this project.

Madam Speaker, this is an atrocity. Imagine this: There was one invoice totalling \$104,010, and it was not adequately supported. No asset supporting this contract

could be identified. What in the world was the minister doing?

The ministry commented that many plants died. It sure must have been some plague up there if that amount of plants died. Then somebody should be responsible for it. Pedro Castle must have had some kind of pestilence, if they died. Then somebody still had to give account for them. Madam Speaker, it is an atrocity.

In conclusion on the landscaping contract, the Auditor General has found that \$120,000 was paid over what the contract called for. In addition to this, in the opinion of the Audit Office, some \$130,000 was paid. This brings a total of \$250,000 being paid above and beyond the original contract. This is a quarter of a million dollars that cannot be accounted for!

Yet, the minister says that he is the former Financial Secretary; he has all of this financial management capability and yet he allows all of this to happen.

Madam Speaker, problems can arise in any situation. Things can happen beyond the control of any minister, but there ought to have been sufficient control on his part. At one point in Finance Committee, he told us that he had day-to-day knowledge of what was going on. So, there ought to have been sufficient controls put in and he was part and parcel of the Audit and Finance Law. I was in the House when we debated that.

Madam Speaker, this does not speak well. In a day and age when we are talking about accountability and openness we find this thing happening in the fifth largest financial centre in the world. We allow some CHRM, who wrote to me in a letter and said they cannot disclose who the directors are, does not have a local Trade and Business Licence. They allow them to *samfie* the government of this country and *shylock* with thousands of dollars because nobody can give account of it.

So, tell me what happened. There are too many unanswered questions in this whole thing and the minister has tried to answer them, but he cannot. I wait to hear how he is going to answer what has been said by the Auditor General because that's what we are debating.

There are too many unanswered questions in this whole thing—from the beginning. One said \$8.6 million, one said \$8.2 million, and the Auditor General said \$9.5 [million]. So who is telling the truth? Or, who is *fool-fool* or doesn't know what's going on?

Madam Speaker, his report is final except for the Government Minute, which is what the government is going to say about it. I tell you that this is not good. They are certified public accountants with many, many years' of financial ability—knowledge and ability, that is. This is not good.

In the irrigation system, Madam Speaker, he says that the cost of the Pedro St. James irrigation system is reported to be \$35,610 excluding in-house labour cost. But this figure has not been agreed by the Audit Office. The consultant quantity surveyor has reported that the system is no longer in use due to leakage problems, breaks in lines and electrical shorts and wiring. They say

this is caused by crabs. Well, we know that Pedro Castle is on the ironshore, on some sandy ground, but when you are building, these are the kinds of things that professional people take into account.

They said that the consultant quantity surveyor has reported that the system is no longer in use, although you paid \$35,000 for it due to leakage problems, breaks in lines and electrical shorts and wiring. Bodden Town has some rough people sometimes, but I didn't know they had crabs that could eat electricity!

And I continue reading from the report, "**The supplier's report indicated that the system had not been installed to the correct levels and that maintenance of the system was not being carried out to the supplier's requirements. The consultant quantity surveyor has commented that the irrigation system designed and supplied is not suited to installation at Pedro St. James. The system is prone to damage by the indigenous crab population and would appear to be too complex for the maintenance staff at the site to install correctly, operate, and maintain.**"

"**The consultant quantity surveyor has recommended that the terms of the contract warranty be investigated for any potential recourse and legal advice sought on the liability of the supplier for the design. The landscape is currently watered using hoses and sprinklers connected to the main water supply.**" No wonder the place looks so dry and worn out at times!

Madam Speaker, one would have thought that this consultant . . . I don't know if he did any work in regions where crabs are plentiful, but you would have thought that they would have had knowledge of the type of ground that they were dealing with. You would have thought so, Madam Speaker. You would have thought that they would have made preparation to deal with it. But they say, blame it on the crabs. Government blames it on the treasury, and now they blame it on the crabs.

Madam Speaker, the Auditor General says, "**One of the difficulties experienced during the audit was the absence of any documentation in the Ministry recording variations or amendments to either the original contract or the sub-contracts. The independent consultant quantity surveyor has reported several variations.**"

- ♦ **The scope of the landscaping work was altered as the layout of the landscaping features as installed differs from the drawings. The planted areas are configured differently on the site in several areas. The stone entrance feature has not been built—paid for, but has not been built. A large area noted as planting beds is now grass.**
- ♦ **Variations in design also occurred in the time between the CHRM contract and the letting of the sub-contract to other contractors. The CHRM contract included 835 linear feet of stonewall whereas the sub-contract was only for 500 feet. The Audit Office has confirmed that the sub-**

**contractor was only paid for the actual work carried out."**

So, he collected for 835 feet but the contractor only built 500 feet and was paid for that. Madam Speaker, what kind of shenanigan was this! Was this a fee by the consultant for the stone wall?

Madam Speaker, there are some observations, main conclusions and recommendations that I think are pertinent. **"Due to incomplete and inaccurate financial and other records, the consultant quantity surveyor was not able to carry out the full scope of the review work requested by the Auditor General's Office. The consultant's main conclusion has been summarised as:**

- ◆ **There have been a number of instances where inappropriate and inadequate contract arrangements have been entered into by either the Government or on its behalf.**
- ◆ **The consulting contract contains clear directives with regard to the financial management, tendering and contracting of the works, which do not appear to have been adhered to. The consultant has not followed the established financial management procedures required to adhere to the terms of the contract and to administer the works with the diligence required by the Employer."**

So, Madam Speaker, let's say that it was fair for the minister to recommend to Executive Council that the consultant who had been involved with the project from 1991 should continue with the project. What was not fair was for all these things to happen. They did not follow the clear directives with regard to the financial management.

The Auditor General continues:

- ◆ **"The appointment of the Consultant as a contractor to carry out the landscaping works was extremely ill advised. Whilst the Consultant's expertise should have been utilised in the design and procurement of the landscaping works, this could easily have been dealt with as an extension to the existing consulting contract.**
- ◆ **"The Consultant would appear to have been allowed to enter into and sign contracts for the design and the landscaping works on behalf of the Employer [that is, the government]. The Government has in place established procedures for the letting of contracts that provide the necessary accountability for expenditure of public funds.**
- ◆ **"The lack of attention paid to the financial aspects of the work by the Consultant has resulted in the ability of the Auditor General to establish precise final cost for the landscaping works. The financial information provided by the Consultant is incomplete, confusing and unprofessional in structure and content, given the accountability requirements of public service clients.**
- ◆ **"It is apparent from the experience of this project that the appointment of an overseas lead con-**

**sultant with experience in a particular field is not sufficient to ensure that all Government financial criteria are met. Coupled with the lack of technical expertise within the Ministry of Tourism, this would indicate that either an in-house or externally appointed project manager with a proven local track record, should be engaged to represent the interest of the Employer."**

Madam Speaker, the Auditor General sets out exactly what happened. He points out that the ministry's personnel seemed to have acted in good faith throughout but they did not have the technical expertise. And no one here is attempting to blame those directly in the ministry handling the project, the civil servants. The responsibility lies with the minister to see that proper controls were put in place.

We don't know whether the Caribbean Development Bank loan is fully paid up. The Auditor General did say that a final claim of \$1.5 million was submitted in July 1999, but there are insufficient funds remaining on the loan account to reimburse this claim in full. I did read something in the paper, which said that this was being dealt with or they were going to collect on it. I don't know how much they collected, but he made the observation that there were insufficient funds remaining to cover that amount (that is, \$1,585,494.) If there were insufficient funds then the government would put up the difference again.

One of the problems they seemed to have had with Caribbean Development Bank was that they allowed the contracts to go out without being tendered, side-stepping Caribbean Development Bank's guidelines as the bank does not reimburse contracts which have not been tendered. This excluded much, of course, of the work implemented by CHRM and sub-contractors.

Now, how could this not be known by the minister? Let me read that again. **"Some contracts were not tendered in accordance with the bank's published guidelines."** The Caribbean Development Bank does not reimburse contracts that have not been tendered. How could the minister not know this? He dealt with the Caribbean Development Bank before. Is this good fiscal management? The conclusion has to be that it is not. It is mismanagement of the highest order.

Madam Speaker, one of the most vexing things here is that there were, according to the Auditor General, premature submissions of certain invoices by CHRM and large timing differences between interim payments and completion of works. For example, an invoice of \$150,000 for fees and the purchase of electronic equipment for operating the multimedia show was submitted and paid in December 1995. Equipment bids were not actually received until April 1998. The multimedia show was not completed until second half of 1998. A payment profile indicated that CHRM had applied part of the \$150,000, the other elements of the multimedia production, in late 1996 and early 1997.

Madam Speaker, what is this paying out money three years before getting the product? Again, nothing but shenanigans in financial management!

Madam Speaker, to say that all is well with this project would not be telling the truth. As I said, I believe that there were good intentions but there were some bad intentions in this too. Somebody was not up-front and all was not Kosher with this whole contract with CHRM—who didn't even have a local Trade and Business Licence. I believe that they meant well in trying to get a project that could entice tourists, another attraction. I have always said that we needed something like that, but not at that cost.

I don't believe that the minister had sufficient information for marketing. It was bad advice he got from whoever and they started the project from that perspective going downhill.

**“The key [as the Auditor General says] determinant of project sustainability is visitor admissions.”** For them to get the loan, they have to show what kind of revenue they could generate, and it shows that the **“CDB revenue forecast was based on 235,000 visitors per annum by year 4 of operation, that is, two years from now. This forecast comprises of 150,000 cruise ship visitors, 80,000 long-stay visitors and 5,000 residents.”**

**“Another visitor forecast prepared in 1997 as part of the TAB's Business Plan shows a gradual build-up to over 300,000 visitors per annum by year 5 of operations. Both forecasts fall within the stated carrying capacity of the site of 306,000 visitors per annum. However the carrying was developed on the basis of a maximum flow of 100 visitors per hour, 8½ hours per day, and does not take into account external limitations.**

**“For example, many cruise ships visit for only half a day. This would suggest that much of the cruise ship potential is concentrated into a four-hour period. Most cruise ship arrivals tend to be mid-week with fewer arrivals on Mondays, Fridays and Saturdays, depending on season.”** Well, we now know that they don't come on Sundays and Public Holidays—the minister stopped that too!

According to the Auditor General, **“Based on a forecast of 150,000 visitors per annum, this limitation implies 500 - 800 cruise ship visitors required per four hour day. At present the maximum capacity of the site is only 50 visitors per hour, although this could be increased . . .”**

Madam Speaker, when we asked about the total number of visitors and what they were doing about marketing, they could not answer, and Finance Committee could not tell us. I would hope that the minister has that kind of information because he needs to tell this House what he is doing to repay this debt.

Madam Speaker, there is quite a bit left that the Auditor General has said about the management, but that will be dealt with on another occasion because that

is something to get into. When you hear about attempts to defraud, and fraud—check that one out—that cannot be done. You cannot get into that because that is not made public as yet. Madam Speaker, I contend that there is a case for investigation and I think that the House is right in recording its disagreement with the minister and the way he handled this project.

Madam Speaker, I would hope that Pedro Castle will one day be able to pay for itself. I would hope that good marketing and management is applied because so far it has been a failure. A nice place to go, yes, but thus far it has been a failure. Thank you, Madam Speaker.

**The Deputy Speaker:** Does any other Member wish to speak? (Pause) If no other Member wishes to speak, does the mover of the motion—

The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddin:** Thank you, Madam Speaker.

The motion before the House is one that is not well founded on fact. It is one that deals with a lot of suppositions and it is one that is aimed to directly attack the Minister of Tourism. That is the light that it has to be taken in.

The project of Pedro St. James is undoubtedly one of the best projects this country has. It's the first time that there has been extensive preservation of our Caymanian heritage in the form of one the oldest buildings in these islands. The project itself is one which clearly is complex, and that is borne out by the Auditor General. But it is also one that the people of this country can be proud of.

Anyone who has visited there will realise that this is a project that this country can be proud of and it's our heritage. It is extremely well done and it is one that could be looked at as a very good example of what can be done in this country to preserve our heritage. Also, while preserving our heritage, it is also a place that one can enjoy, Caymanians and tourists alike.

The other important fact about this, Madam Speaker, and why I say that (and I will show) this motion is in the form of an attack more on the minister than on the Pedro Castle Project . . . as everyone knows, this project came in under the estimates that were done for it. Madam Speaker, we all know that there are very few government projects that ever come in within the estimate, much less under it. So, we have established the first fact at this stage, the project has come in at several hundred thousand dollars, or, depending on the interest, a hundred or so thousand dollars under the estimates that were put forward. I understand they were looked at by the Caribbean Development Bank.

So, we really have a storm in a teacup—here's a project, firstly, a very good project, and, secondly, it is a project that has come in under the projected cost. So, what are we really therefore talking about, Madam Speaker? It may have been different if this project had overrun by several million dollars, but show me which

other project in this country that size . . . and not just project but projects. Remember this was many projects over several years that led up to this.

Nothing can really be levelled at the minister in respect of the quality of the project or in respect of the fact that he had to have prudent management of the projects or they would not have come in total under what was projected.

The two members who spoke made reference to the Auditor General and the \$9.5 million. Let me just show you why the arguments of those two members really don't carry that much weight. If we turn to that reference at page 82 of the 1997 Auditor General's Report, it shows very clearly . . . and I will just read it. The Auditor General said (and I quote), "**It appears that the final cost of the project may be in the region of \$9.5 million.**"

Madam Speaker, what does that tell us? At the time, the Auditor General did not have the facts upon which to base the final cost, he just started in his audit and he said, "**It appears . . . [and he goes on to say] may be in the region**"—three words that are imprecise and approximate: yet, a lot was made of that. Obviously, that destroys any argument that has been put forward or trying to say that this project is over the cost. That is not so. We know what the estimated cost was: it was \$8.7 million. And we know that the project came in considerably under that.

We have the evidence given at page 13 on the 4<sup>th</sup> April 2000 before the Public Accounts Committee, where Mr. Harding Watler, the Permanent Secretary, stated "**Based on the estimates from Caribbean Development Bank, the final details of which we are waiting to receive any day now, the commitment [and that's in relation to the commitment fee] and the interest during construction of \$340,000 brings the total projected cost to \$8,170,510.97.**" Very clear.

We have to remember that at this stage those costs had been signed off, or accepted, by Mr. Max Jones, who was the Project Manager. And it had also been signed off by the Financial Controller of the Tourism Attraction Broad, an accountant, and also by the Treasury of the Government. So, these are right. There can be no scope for speculation of talking about \$9.7 million in the cost because if all of them were wrong to that extent then they would never have reached the positions they hold.

So, I accept that. And here I am only going to deal with facts because a lot of what has been said is really surmised, it is suppositions, and really an attempt to build a case where no case exists against the good Minister of Tourism who, I must say, has worked extremely hard to get that project in its complex, complicated form and to get all of the different pieces and the many contracts and sub-contracts and different projects in it, many of which were totally different. It is really a shame at this stage for anyone to attempt to cast any aspersions in relation to the management of Pedro Castle.

Madam Speaker, the test is very simple. It is well within the projected cost. Therefore, it has been properly managed—fiscally, financially, and otherwise. Now, several things bear out the fact that this project has been properly dealt with. If we go to paragraph 3.8 of the 1998 Auditor General's Report, in relation to the direct labour agreement (it's at page 43), the Auditor General said, "**The Audit Office is fully satisfied that gardeners were paid at the rates specified and we are satisfied that the work paid for was actually performed.**"

This is one of the things that had been alleged. What can be clearer than that? Not only is the Audit Office satisfied, they are fully satisfied with the rates specified and that the work paid for was actually performed.

So, nothing can be levelled in that area and this was one of the three contracts dealt with by the members here, and I think also by the Public Accounts Committee. What we have to remember about this as well is that the three contracts that have been targeted mainly in this matter are three of the small contracts. Remember this is a project of \$8.1 million and these contracts were in the area (I will have to get those exactly) of approximately \$300,000, that was one. For example, the furniture contract was only \$226,000 and we also saw that the other contracts were small.

So, what has been done here is that we have a storm in a teacup. The three small contracts out of the many contracts there were small in value, related to difficult areas. Remember, Madam Speaker, the museum (to complicate the minister's life) said we could not get the furniture here because it would deplete our heritage or whatever. We had to get this abroad. That was one of the other things that the minister faced.

**The Deputy Speaker:** Honourable Minister would this be a convenient time to take the afternoon break?

**Hon. Truman M. Boddin:** Thank you.

**The Deputy Speaker:** Proceedings will be suspended for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 3.22 PM

#### PROCEEDINGS RESUMED AT 3.40 PM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 6/2000 as amended. The Honourable Minister responsible for Education, Aviation and Planning continuing his debate thereon.

**Hon. Truman M. Boddin:** I would now like to turn to an area where a lot has been made of it. In fact, as I understand, one of the thrusts of this motion is saying that certain invoices that existed between the main contractor and the sub-contractor were not produced to show the cost of what the sub-contracts were.

Madam Speaker, the position on this, the law is one that is abundantly clear. There is no privity of contract between the employer (in this case the Government) and a sub-contractor. I think it is very clear. In fact, it's a common sense principle that if you employ a main contractor, you pay the main contractor and he pays whatever sub-contractors he wishes to pay. But the contract is between the government and the main contractor. It is not, therefore, a situation where the government can say that there is a contractual relationship between government and any of these several sub-contractors that has been referred to.

Indeed, Madam Speaker, when you hire a contractor to, say, build a house on the basis of a price, and they decide to sub-contract some of that work, then that is the business of the contractor. Because he or the company does not have the resources to do everything as the main contractor so they go out and they will find other people to assist. In fact, many Caymanian companies were employed, as many as the minister possibly could. I know he went to extremes to ensure that Caymanians who could do the work got the work.

I would like to support this by reading the law as it exists in Halbury's Laws of England, 4<sup>th</sup> Edition by Lord Hailsham of St. Marleybone, Volume 4. That, as you know, is the main works of English Law comprising probably in the area of 40-odd volumes. This is coming from Volume 4, and at paragraph 1264 under the heading "Sub-contracting," 1) **"Relations between Sub-contractor and Employer—1264—No Privity of Contract. The contractor may secure vicarious performance of part of the work except when the contract prohibits it or is a personal contract. Although the employer or his architect often nominates a sub-contractor under the provisions of the main contract, there is no privity of contract between the employer and the sub-contractor."**

What that means is that the employer has no contractual relationship with the sub-contractor and, therefore, cannot go to that sub-contractor and say, *'look, I need this and that,'* nor can they give directions beyond what is permitted, obviously, by the architect in the contract. So, to try to say that there is a duty on the government to contractually require, or require in any other way . . . in fact, these invoices, or information, or whatever from sub-contractors, there is no contractual relationship. Therein lies the problem.

In fact, the Auditor General himself has fairly extensive powers under the Public Finance and Audit Law that go even far beyond what powers the department and the Ministry of Tourism would have. That relates to section 40 of that Law, which gives a statutory power to require different things—receipts, expenditure, documents.

So, to now come and say that a duty rests on the government to get invoices out of sub-contractors that a main contractor would have employed is bad in law. It cannot be done in law, when I say that. What has been

put forward is really unlawful and not in accordance with the law.

I should, however, mention that there are rights that exist in relation to defects in tort between an employer, in this case the government, and one of the sub-contractors. That is found in Halbury's again, paragraph 1268. It says, **"Rights and liabilities of principal contractor and sub-contractor. Except in certain circumstances the contractor has a right to sublet portions of the work to sub-contractors [that was done, Madam Speaker, and that is a right] and to be paid for the work performed by them."**

So, under the contract, government pays the contractor and it goes on to say, **"The contractor will be liable for defects in such work in the same way and to the same extent as if he had performed it himself. Then he moves through the sub-contracting process and he can go directly against the sub-contractor who also has a duty to ensure that the quality of work is there."**

I wanted to just mention that because I think it is important to the relationship, as a whole. I have explained that there is a duty on the sub-contractor to perform in accordance with the contract from the contractor, who then has an ongoing duty to the employer (in this case, to the government). Obviously, if the sub-contractor has defects, then that is covered basically in the English Law and is referred to as the Royal Institute of British Architects (RIBA) Conditions of Contract, which is a very long and detailed document of many pages used on large contracts, either the full or short form.

So, at this stage, provided that the main contract . . . or, in this case for example, we take the contract with the main consultant. Provided that is in place, if work is sub-contracted out then that sub-contracting is a matter for the contractor and not a matter for the employer with the sub-contractor. I don't think that is a principle that isn't understood. Those of us who are not in the building business know, however, that whenever you employ someone to do work and you decide you are going to pay them a certain amount of money for the work that they have a right to sub-contract, that can be limited through a contractual relationship between the main contractor and the employer. But, generally, it is done in such a way that on big contracts the architect has a right, if he wishes, to name a sub-contractor whom the contractor is employing. That is there really to ensure the quality that may be needed, or that the performance appears to the architect to be what is necessary to perform the contract in time.

So, Madam Speaker, I submit, that one of the main statements that has been put forward on this motion is *'look, we want to see certain invoices or documents between the sub-contractor and the contractor'*. We must remember, Madam Speaker, that nobody has shown . . . the Auditor General's Report makes it very clear. For example, I read earlier that not only was one of those three contractors properly done but he was satisfied that

both the rates and the billings—whatever I referred to there (it didn't specifically say billings)—were in order. No one in here can allege anything other than the fact that these contracts have been dealt with in the proper way and indeed within the terms of the contracts, especially in relation to price.

So, Madam Speaker, we have the position that it is being put on the wrong basis that the government should attempt to seek to pierce through the contractor and the main contract and somehow try to reach the multiplicity of sub-contractors that have been employed by the main contractor. In effect, one of the arguments levelled [from] opposition members who spoke was that nothing has been proven to be wrong with those figures; but they still want to have a look at these documents that go behind it. That is why I will show further that the Auditor General (and I want to deal with this under another heading and really use it more at that stage) looked at the main contractor or the main consultant.

At page 49 of the Auditor General's Report under the heading, "**Consultant Quantity Surveyor's Main Conclusions and Recommendations**" at paragraph 3.20, the Auditor General said, "**The consulting contract entered into with the main consultant is generally fair and reasonable to both parties.**" What could be clearer than that, Madam Speaker?

That was what the duty of the Minister of Tourism was in relation to. The Auditor General in relation to the main consulting contract has said, "**I have looked at the contract between the government and the main consultant, i.e., the main contractor [in the consultancy area] and in my opinion is generally fair and reasonable to both parties.**"

So, the Minister of Tourism (at this stage having no duty to look beyond the main contract) cannot have a duty or an onus on him now because the First Elected member for George Town or the First Elected Member for West Bay wants some documents to go on some sort of a hunt in areas where legally he cannot go. That, I believe, is sufficient to destroy one of the main pillars of the arguments put up under this motion against the Ministry of Tourism.

The quality of the work and any problems with sub-contracts falls on the main contractor, and, provided the main contractor has performed in accordance with the contract between himself and the government, then it matters not how many sub-contractors were employed or how much paper flowed between the sub-contractor and the main—

**Mr. Kurt Tibbetts:** Madam Speaker, on a point of order.

**The Deputy Speaker:** May I hear your point of order?

#### POINT OF ORDER

**Mr. Kurt Tibbetts:** Madam Speaker, just a couple of minutes ago the minister referred to this motion being

against the ministry. Obviously, he is referring to the Ministry of Tourism. Madam Speaker, this motion is not against the ministry and nothing has been said to infer that the motion is against the ministry. The minister is, therefore, misleading in his statement.

**The Deputy Speaker:** I think the Honourable Minister said that earlier on but just a moment ago he was referring to sub-contractors. Is this what you are talking about?

**Mr. Kurt Tibbetts:** Madam Speaker, he said it just before just he said that. Unfortunately I was on the way into the Chamber, but I heard him.

**The Deputy Speaker:** Honourable Minister, the First Elected Member for George Town has pointed out—

**Hon. Truman M. Boddén:** Madam Speaker, I am not sure what the member is referring to. Maybe we should get the records. If he can draw my attention to specific areas of that then I am in a better position because I have been talking on different areas.

**Mr. Kurt Tibbetts:** If I may, Madam Speaker?

**The Deputy Speaker:** The First Elected Member for George Town.

**Mr. Kurt Tibbetts:** I was not speaking about what he was talking to a long time ago. Immediately before he started talking about the sub-contractors, he referred to this motion which was against "the ministry," no longer than five minutes ago.

**The Deputy Speaker:** First Elected Member for George Town, I hear what you say. But unless a point of order is raised at the precise time it arises, I cannot rule that it is a point of order. So, I can only ask the Honourable Minister to continue with his debate.

**Hon. Truman M. Boddén:** Madam Speaker, I had not yet gone into that area, but it has just been pointed out to me that the fourth WHEREAS clause in this motion says this, "**AND WHEREAS this said project up until July 1997 was managed directly by the Ministry of Tourism . . .**" Therefore, this motion is dealing with management by the Ministry of Tourism, and I will deal with that at a later stage. But I will just refer you to that area that the Ministry of Tourism is not left out of this. It is clear that the controlling officer and other people within the ministry who dealt with this as well as the Minister, those people were not the Minister, but I will come back to that at a later stage.

So, I submit, that the curiosity of the mover and the supporter of this motion should not be allowed to override the law in that they are asking for something it appears clearly cannot legally be done. Therefore, the

whole . . . and, by the way, you cannot just say, just because you don't see an invoice that it is wrong. Or, you cannot say that because you cannot get an invoice or a document there must be suspicion around it. That, Madam Speaker, and I am speaking generally, is the view of a mind that is not functioning in the normal way because there has to be in English Law, a presumption of innocence and not a presumption of guilt. Let's get that real clear at the beginning.

What has been done here is an attempt to say that because certain documents were not produced, therefore those documents will leave a shadow over a project that was completed well within the amount of money for the contract. If there is to be any presumption put on this and if we are to be democratic, fair, and legal, then there is a presumption of regularity. And transactions have to be presumed regular unless it is proven otherwise. While those transactions are regular there is no onus of proof, there is no duty on the Minister of Tourism, or on the Ministry of Tourism, to go off on some hunt overseas or wherever to try to scrape up documents between a sub-contractor and a contractor. There is simply no duty.

And it is unfair, I submit, for anybody to try to do otherwise because the very fundamentals of society are based on regularity not irregularity. If one allows one's mind to stray and concentrate too often on irregularities, I believe one may become irregular one's self.

So, the law on this is, I submit, clear. It leaves the Minister of Tourism in a very good position. And I read that from the Auditor General, and it is clear that the contract with the main contractor was fair and reasonable. It is very obvious that it was performed in the best way that contracts of this nature could be performed. Really, once there is no aspersion cast (and there can't be because the Auditor General substantiates this) on the main contract then, really, one needs to look no further.

*[Inaudible comment]*

**Hon. Truman M. Bodden:** Well, Madam Speaker, this late in the day it may be time for some more relevant law on this motion.

To take this somewhat further, the relationship of the contractor and the sub-contractor (at paragraph 1268 of Halbury's) it states that **"by sub-letting part of the work the principal contractor impliedly contracts with the sub-contractor that he will not by any act or default of his own prevent the sub-contractor from performing his share of the work."**

So, basically the sub-contractor has to be left free, provided that the quality of work is being performed, to do that work in such a way as the sub-contractor sees fit. And this is exactly what has happened here.

Madam Speaker, the quality of Pedro Castle cannot be challenged. It is a first class project and that is a shining example. If government could get all of its projects performed within the money and done as good as that, it would be a much happier world here.

In an effort to scrape up something against the minister, all of these other things have been pulled in to try to confuse the issue. You know, Madam Speaker, there has been a lot of talk and there has been a lot of opinion given, especially by the First Elected Member for West Bay. Most of what he gave was opinion really, no substance to it—nothing backing it up and nothing supporting it.

I want to now move on to deal with another area, which relates to the question of the management of the projects. Once again, the thrust of some arguments was that there was not sufficient management or not sufficient expertise within the ministry in relation to certain areas of management. That is the reason why I read earlier about the contract with the project manager.

If we look at the Auditor General's Report at page 50 we find what I submit is a very clear statement, again by the Auditor General. This is what the Auditor General said, **"It is clear that both the Ministry of Tourism and Treasury personnel relied on the certification of the contractor invoices by the main consultant, CHRМ"**.

That shows that the ministry did what it was supposed to have done in that it hired a consultant whose contract was a fair and reasonable one, and they relied on that consultant in relation to invoices. Indeed, Madam Speaker, they had to rely on consultants for quality. This happens all the time in this type of contract, but it was even more so with this because what was being done was a highly specialised job on many of the contracts.

The idea of employing the main consultant under what the Auditor General stated was fair and reasonable to both parties. It would have been wrong otherwise, Madam Speaker, to have employed a consultant and then rejected his advice. That does not make sense, and the whole reason is that the Ministry of Tourism obviously has no one with the specialised knowledge in antiques, in the restoration of old things, and to look at the things like the presentation of the audio and the video programmes. There is no way that could be expected to be monitored from within the ministry—there was a consultant.

That consultant under a fair and reasonable contract—that is very important—then gave advice which included dealing with quality, payments and invoices.

I submit that in what I just read here not only did the Ministry of Tourism rely on the certification of contractor's invoices by the main consultant but the Treasury also relied on it. And, quite rightly, neither would the Treasury have the ability of the consultant. If the Treasury and the Ministry of Tourism had that expertise, they would not have employed the consultant. So, the purpose of the employment of the consultant was to do what he did and that cannot be faulted. In fact, I am sure the contract would have provided that the duty of the consultant was to give advice, was to certify invoices, was to certify quality and was to ensure that what advice was needed by the Ministry of Tourism or Treasury was received in a timely manner.



Madam Speaker, I am going to come back to these two headings because I used them under another head, that's why I am only going to be short on some of these. But to further vindicate the Ministry of Tourism, at the top of page 51, the Auditor General states this (and I quote), "**Ministry personnel appeared to have acted in good faith throughout.**" Madam Speaker, what more can be asked of the Minister, his staff and the Ministry of Tourism but to act in good faith throughout?

If we look at the words, which were obviously well chosen by the Auditor General, he doesn't say, '*they appeared to have acted in good faith*' because that would have left space for a devious mind to say, '*well, maybe not during a full period.*' He was very careful and he said that the ministry personnel appeared to have acted in good faith throughout. There is no doubt about it. There is no deviousness that can be pushed into that because he has very clearly in those words vindicated the ministry of any acting otherwise than in good faith throughout this long period that these matters were being dealt with.

That, Madam Speaker, tied in with the fact that the Auditor General was also satisfied that the Ministry and the Treasury relied on CHRM, the main consultant. When you tie that altogether you have three very important things:

1. You have a contract that the Auditor General says is fair and reasonable to both parties.
2. You then have a relationship between the consultant and the ministry in which the ministry relied on the consultant; and
3. Throughout that full time, the ministry acted in good faith.

These are three ingredients of the transaction. So, as far as performance goes . . . and let me say this: Obviously no one is perfect. No consultant is perfect. No politician is perfect. And, I am not here trying to say that there were absolutely no problems because with so many contracts, there must have been some problems. But what I am saying is that the Auditor General has been prepared to make three very important statements—the contract was good; the Ministry and the Treasury acted and relied on the consultant, and the ministry acted in good faith.

**The Deputy Speaker:** Can we move on from those three points now sir? Or is this a convenient time for the adjournment?

**Hon. Truman M. Bodden:** This will be convenient to break, Madam Speaker.

**The Deputy Speaker:** I will entertain a motion for the adjournment of this Honourable House. The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Madam Speaker, I move the adjournment of this Honourable House until next Monday at 10.00 a.m.

**The Deputy Speaker:** The question is that this Honourable House do now adjourn until next Monday at 10.00 a.m. I shall put the question. Those in favour please say Aye. Those against No.

**Ayes.**

**The Deputy Speaker:** The Ayes have it. This Honourable House is accordingly adjourned until 10.00 a.m. next Monday morning.

**AT 4.25 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 10 APRIL 2000.**

**ADJOURNMENT**



**EDITED  
MONDAY  
10 APRIL 2000  
10.13 AM**

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

*[Prayers read by the Honourable Minister for Agriculture, Environment, Communications and Natural Resources]*

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Deputy Speaker:** I have apologies for late arrival from the Honourable Second Official Member, and apologies for absence from the First Elected Member for West Bay.

Presentation of Papers and Reports: The Cayman Islands Monetary Authority Annual Report 1998, to be laid on the Table by the Honourable Third Official Member.

**PRESENTATION OF PAPERS  
AND REPORTS**

**THE CAYMAN ISLANDS MONETARY AUTHORITY  
ANNUAL REPORT 1998**

**Hon. George A. McCarthy:** I beg to lay on the Table of this Honourable House The Cayman Islands Monetary Authority Annual Report 1998.

**The Deputy Speaker:** So ordered.  
Do you wish to speak to the report?

**Hon. George A. McCarthy:** Yes, Madam Speaker. As members of this honourable House are aware, during the year 1998, the Monetary Authority was involved in advising on various legislative initiatives and regulatory matters including development of the recently issued Code of Practice under the Proceeds of Criminal Conduct Law, amendment to the Insurance Law to protect local policyholders, and amendments to the Companies Law to permit segregated portfolio companies to be formed.

In keeping with the international regulatory standards, the Monetary Authority commenced on-site inspections in 1998 of financial institutions licensed in the Cayman Islands. The financial statements included in the report were audited by the Auditor General in accordance with the provisions of section 35(2) of the Mone-

tary Authority Law (1998 Revision) and section 45(1) of the Public Finance and Audit Law (1997 Revision).

The Annual Financial Statements of the Authority as at 31<sup>st</sup> December 1998 are shown on pages 20 through 28 of the annual report. Total assets of \$60.3 million include \$59.2 million of currency reserve assets representing investments and current call and fixed deposits. Total returns of 5.7% were earned on assets for 1998. Total liability of \$47.9 million including \$44.8 million of demand liabilities for currency in circulation which are fully secured by the currency reserve assets as required by section 28(7) of the Monetary Authority Law, 1996, as amended.

Total reserves and capital is \$12.4 million and general reserve is maintained at 15% of demand liabilities as required by section 6(2) of the Law.

Net income of \$3.5 million for the fiscal year 1998 was mainly due to sound investment decision-making and implementing effective cost reduction techniques by the Authority.

The Monetary Authority Board approved the transfer of \$310,000 to the currency issue reserve to provide for future currency reprints, and \$640,000 was transferred to general reserves in accordance with section 6(1) of the Monetary Authority Law. Approval was also given for the transfer of \$750,000 to the paid-up capital account. After these transfers, Madam Speaker, the Authority was still able to exceed its budgetary target of allocating \$1.8 million to general revenue of the Cayman Islands Government.

In closing, Madam Speaker, and as chairman of the Monetary Authority, I would like to express my appreciation to the members of the Board, to the staff of the Monetary Authority and to you, Madam Speaker, for allowing this statement on the report.

**The Deputy Speaker:** The Annual Report of the National Trust for the Cayman Islands for the year ended 31<sup>st</sup> August 1999 to be laid on the Table by the Honourable Minister for Agriculture, Communication, Environment and Natural Resources.

**THE ANNUAL REPORT OF THE NATIONAL TRUST  
FOR THE CAYMAN ISLANDS ENDED  
31 AUGUST 1999**

**Hon. John B. McLean:** Thank you, Madam Speaker. I beg to lay on the Table the Annual Report of the National Trust for the Cayman Islands for year ended 31<sup>st</sup> August 1999.

**The Deputy Speaker:** So ordered. Does the Honourable Minister wish to speak to the report?

The next item is the Cayman Islands Public Pensions Board Actuarial Valuation of Public Service Pensions as of January 1999 to be laid on the Table by the Honourable Third Official Member responsible for Finance and Economic Development.

The Honourable Third Official Member.

**THE CAYMAN ISLANDS PUBLIC PENSIONS BOARD  
ACTUARIAL VALUATION OF PUBLIC SERVICE  
PENSIONS AS OF JANUARY 1999**

**Hon. George A. McCarthy:** Madam Speaker, I beg to lay on the Table of this honourable House the Actuarial Valuation Report of the Public Service Pensions as of 1<sup>st</sup> January 1999.

**The Deputy Speaker:** So ordered. Does the Honourable Member wish to speak to it?

**Hon. George A. McCarthy:** Thank you, Madam Speaker.

As honourable members will note, the Report of the Actuarial Valuation of the Public Service Pensions as of 1<sup>st</sup> January 1999 is being laid on the Table of this honourable House in accordance with section 13(4) of the Public Service Pensions Law, 1999. The purpose of this valuation as set out in the law is threefold:

- to determine whether the fund remains capable of meeting its liability for the following period of at least 40 years at the rate(s) of contribution then enforced;
- if it is not so capable, to ascertain what rate(s) of contribution would be required to reinstate that capability; and
- to determine the amount to be reflected on the balance sheet.

Madam Speaker, Watson Wyatt Worldwide performed the actuarial valuation of the public service pensions as of 1<sup>st</sup> January 1999. Section 13(2) of the law requires the review be carried by the actuary using reasonable actuarial assumptions agreed upon by the actuary and the Public Service Pension Board. A summary of these assumptions is as follows:

|                   |    |
|-------------------|----|
| Investment return | 8% |
| Inflation         | 3% |
| Salary increases  | 5% |
| Pension increases | 3% |
| Retirement age    | 55 |

On the question of retirement age, it should be noted that although the retirement age of 55 has been used, the Public Service Pensions Law states that the normal age of retirement is 60 years. If it is that more persons are found to be retiring at age 60 than 55, using the assumptions, this could have the effect of significantly reducing the past service liability figure as shown in the fund.

To ascertain that the trend has been 55 versus 60, the Director of the Pensions Board will be asked to prepare a retirement profile for the past five years. It will be useful for this information to be available because, as I said earlier, the law states that the normal age of retirement is 60 and not 55. Therefore, if the retirement age of 55 is used as an assumption it means that there is a 5-year factor or differential for which assets will have to be accumulated over and above what is required in order to defray the pension cost of those persons that are going into retirement.

As I said, the profile will be conducted to ascertain exactly what has been the trend in terms of the retirement age. This will be provided and will be taken into account when they are assessing the reasonableness of the actuarial valuation as presented.

The actuarial valuation report presents the following findings in terms of actuarial deficiency:

|                        |               |
|------------------------|---------------|
| Past service liability | \$173,418,000 |
| Assets                 | \$ 40,350,000 |
| Actuarial deficiency   | \$133,068,000 |

As I said, Madam Speaker, these figures are likely to be changed (especially the past service liability) and the deficiency once the trend analysis as to each profile of retirement has been completed.

Even with the deficiency standing at \$133,068,000, this is a significant improvement over 1<sup>st</sup> January 1996 valuation by approximately \$7 million. This improvement in actuarial deficiency was a result of changes in retirement and inflation assumptions than that offset, the increased liabilities arising from less than expected asset performance, increased number of participants, time and other factors.

The actuarial valuation report concludes that the contribution rates required to meet the current funding needs of the plan would be as follows:

|                       |                                   |
|-----------------------|-----------------------------------|
| Employee contribution | 6% of salary of all participants  |
| Employer contribution | 6% of salary of all participants. |

An additional defined benefit costs representing a 10% of salary of all participants.

It will be useful for honourable members to just bear in mind when they are going through the report to look at page 9 in terms of the summary as presented in the report itself. It will show that the contribution (presumably for 1998) which became the basis of the 1<sup>st</sup> January 1999 figures were:

|                              |      |
|------------------------------|------|
| Participant's contribution   | 6%   |
| Government's contribution    | 6%   |
| Government's benefit payment | 9.5% |

This means that the direct payments that are now made by Government to pensioners, if these funds were made

to flow through the Pension Board it would seem to me, subject to my review of the report (and I should mention that I received the report in my hand last Thursday at 4.30 p.m. and I want to look at it carefully), that on this basis the fund should be able to start meeting its pension obligations. But this is a matter that will have to be looked at. These 6% and 9.5% amounts to 21.5%, a differential of one-half of a percentage point of the 22% recommended by the actuaries.

The responsibility of setting contribution rates in accordance with the latest actuarial report is charged to the board in accordance with section 7.1(e) of the Public Service Pensions Law. The Board, at its meeting of 3 April 2000, prescribed contribution rates for government as set out in the actuarial valuation report. It was also determined that contribution rates for statutory authorities would be prescribed in accordance with the actuarial valuations being carried out on their behalf.

Currently, pension benefit payments are being made by central government out of general revenue. This, as I mentioned earlier, is factored into the contribution would have the effect of meeting the required funding that should be going into the fund itself.

With the prescribed contribution rates in place, pension benefits will be made from the Public Service Pensions Fund and the current provision will fall away as envisaged by the Public Service Pensions Law 1999. The falling away factor has to do with the direct payments being made by government, these payments will then flow through the Public Service Pension Fund.

Members of the Legislative Assembly should note that the actuarial valuation as of 1 January 1996 has been used as a comparative basis in the actuarial valuation report as at 1<sup>st</sup> January 1999.

Madam Speaker, I would like to thank you once more for allowing me to make this short statement and to thank the members of the Public Service Pensions Board, who have applied themselves to the report that we have got in hand, and also the staff of the Pensions Board for the amount of time spent in providing the relevant statistics to the actuaries.

Thank you once again, Madam Speaker.

**The Deputy Speaker:** Item 4, Other Business, Private Members' Motions. Before we get on to the motion, I would entertain a motion for the suspension of Standing Order 14(2) in order to allow Private Members' Business to be carried on a day other than Thursday.

The Honourable Minister of Education.

#### SUSPENSION OF STANDING ORDER 14(2)

**Hon. Truman M. Bodden:** Madam Speaker, I move the suspension of Standing Order 14(2). The question is that Standing Order 14(2) be suspended in order to carry on Private Members' Motions.

**The Deputy Speaker:** I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 14(2) SUSPENDED TO ALLOW PRIVATE MEMBERS' MOTIONS TO BE CARRIED OUT ON A DAY OTHER THAN THURSDAY.**

**The Deputy Speaker:** Private Member's Motion No. 6/2000 as amended, continuation of debate thereon, the Honourable Minister for Education, Aviation and Planning.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 6/00 *AS AMENDED*

#### INVESTIGATION INTO THE PEDRO ST. JAMES CONSTRUCTION PROJECT ACCOUNT

*(Continuation of debate thereon)*

**Hon. Truman M. Bodden:** Thank you, Madam Speaker. A point was raised by the First Elected Member for West Bay about the three small subcontracts that are in issue here, whether there was a Trade and Business Licence by the company that carried these out.

Madam Speaker, as I understand it, the furniture could not be bought in the Cayman Islands and, therefore was bought somewhere in the West Indies. As we well know, Madam Speaker, it is not necessary to have a Trade and Business Licence to buy furniture from the US or from Canada or from any other country. This happens all the time. You can order goods from abroad without having a licence here.

I also understand things like the signage, TV, and vocal messages were also done abroad. Obviously, that was not done here therefore it seems that if there was no licence (which I don't know) then it may not have needed it. I read that. The third contract, Madam Speaker, was the labour contract and we know the Auditor General didn't really question that at all. It was at 3.8 of the Auditor General's Report of December 1998 in which he said, and I quote, "**the work paid for was actually performed.**"

I think that this thing about a Trade and Business License is once again merely a smokescreen because in everyday life one does not constantly run around asking everyone who is going to do work, '*Do you have a trade licence?*' in which case you really would have to ask them each day or every week or whatever '*Is it still in operation or not?*' I built a house, Madam Speaker, and I didn't call about the Trade and Business Licence of the contractor or subcontractor. I wonder how many members in here, for example if they went into a restaurant—

[inaudible interjections]

**The Deputy Speaker:** I would rather if members did not debate across the floor. Each Member in this Chamber has a right to debate this motion and any points that need to be raised can be raised at that time so that we can get the debate on this motion completed and not waste time.

The Honourable Minister of Education.

**Hon. Truman M. Bodden:** Thank you, Madam Speaker. To take that even further, every time we purchase something from a store or from a restaurant, or a fast food restaurant, do we ask, 'Do you have a Trade and Business Licence?' There is a presumption of regularity and it is presumed that people who are trading will have the necessary licences when they are relevant. That is the point that I wish to make. Since the project came in at considerable savings—\$600,000 or \$700,000 under the independent projected cost—in any event, the question of a licence at the end of the day is a problem for whoever may not have it. But at this stage, I don't think that should be thrown in. It's really a smokescreen in my view, which adds further confusion to this issue.

While I know that the law says that Trade and Business Licences should be displayed where they can be seen, it is something where some do and some don't. But people in this country generally comply with the law on this.

Now, Madam Speaker, this project is in the Bodden Town district. It's probably one of the main projects that has brought business to the Bodden Town district, and it should be the pride and joy of Bodden Town and especially of the three MLAs from there. They should feel honoured to support the Pedro St. James project because it has put a first class project in their district. I am sure that the electorate in the district of Bodden Town will be listening carefully and with intent as to how the votes go in relation to Pedro St. James.

In fact, when Prince Andrew came, as you know, that is where the Members of the Legislature met him and it was good to see the number of Bodden Town people employed there, especially Mr. Terry, who took him around. I am sure that they will be looking to ensure in the vote that the support of the three Bodden Town members is there for this project. This is why, Madam Speaker, I think it is so important for us as MLAs to support good projects—especially when they are in our districts and also when it is good for the Cayman Islands.

So, I think that point is very important, and I too will look with eagerness to those three members from Bodden Town voting for that project which is so important to the district of Bodden Town. Madam Speaker, we are always hearing about walking the walk and talking the talk . . . well, this is the time to vote the vote. We will see.

I would like now to move on to another area, and it is a question of the waiver in relation to these three contracts. Madam Speaker, we have to once again remember that the three contracts are small contracts compared to the overall contract for the construction and

those other matters, which would have been the bulk of the \$8.7 million that was spent.

I quoted from the direct labour contract. I will get the exact amount again, but from what I remember its [approximately] \$200,000. The signage is \$242,000 and the furniture is \$226,775. So, these are small contracts because the main contract was tendered. The main contract was the type of contract which, under the Finance and Stores Regulations, would have gone to the Central Tenders Committee. But where there are specialised contracts that have to be negotiated, it has been usual in the past for the Financial Secretary, normally with the concurrence of Executive Council (which is the position this time) to waive that in relation to those contracts because they are really not the type of contracts that can just be put out generally to tender.

Normally, tenders have to be invited from abroad. And it is not unusual when the Government employs consultants for example . . . it doesn't normally run through the tender's process under the Finance and Stores Regulations. I submit, Madam Speaker, there is nothing unusual. That procedure has been going on for a very long time. And today there may have been worry if the project that the Caribbean Development Bank independently estimated at \$8.7 million had overrun—but it didn't. It came in some \$500+ thousand under the cost. It was, therefore, properly done, I submit, in accordance with the law and with the Financial and Stores Regulations.

We have, firstly, the provisions of the law. The Public Finance and Audit Law (1997 Revision), at section 12(1) says this: "**Without prejudice to any other provision in this Law, the Financial Secretary may make such administrative regulations and give such administrative directions and instructions not inconsistent with this Law as may appear to him to be necessary or expedient for the better carrying out of the provisions and purposes of this Law and for the safety, economy and advantage of public monies and public property.**"

So, quite rightly there is power in the law.

Now, there is also an extension of that in the Finance and Stores Regulations, in which paragraph numbered 1.5 states, "**The financial limits prescribed in the various regulations are those which apply to the service as a whole. [And it goes on to say] In certain cases it may be suitable to specify different limits with individual departments. Where a Controlling Officer considers that a modification of the limits might be appropriate in respect to the moneys for which he is responsible, an application for such modification, giving full details of why it is thought to be required, should be made to the Financial Secretary. Any request for other variations of or dispensations from the provisions of these regulations should similarly be made to the Financial Secretary, giving detailed reasons why the variation or dispensation is thought to be necessary.**"

So, the power is clearly there to vary the Finance and Stores Regulations where the Financial Secretary

deems it appropriate, and we know that as a result of these variations and as a result to the contract as a whole, a savings of \$.5 million dollars to the public has proved to be a very good reason why this should have been done.

He can also vary it. In fact, the controlling officer can also apply (and this does happen at times) to the Financial Secretary to waive it. The power to waive rests with the Financial Secretary, and the power is there. I can assure you that what was done in this case is that the Financial Secretary exercised his discretion in accordance with the law and with the Finance and Stores Regulations, and this was supported by Executive Council.

So, to try to say that this is unusual without stating the fact that these are unusual contracts . . . they are not contracts that could be performed here because the furniture could not be bought here. The museum said that what we have here should remain in the country and not be purchased and what was needed should be purchased from abroad, which is what happened.

Also, we know when one looks at the things like the television programme when one first enters Pedro Castle . . . that sort of matter could not be done here. It is highly specialised. If you wish, it is a Disney World type of specialisation they created initially some years ago. The quality is high. There can be no doubt that both money-wise and from a quality point of view these three small subcontracts in the overall picture were different and unusual and therefore the power to waive the right to tender was properly done. That discretion is the Financial Secretary's as I said, confirmed by Executive Council.

There may be times when anyone exercises discretion and a lot of people don't agree. We find this in Immigration or in the Planning Board day after day. But it is their discretion not the backbenchers' discretion to make the decision on it. Sometimes we may not agree with that discretion. But once it is in accordance with the law, even as an appellate body, Madam Speaker, whether it is from a court or from Immigration or Planning, when it goes on appeal and it is looked at, if it's within the law then that has to be accepted by the appellate body.

Even if we are looking at this from that point of view, then the discretion being properly exercised must be accepted by this House because this House doesn't have the power to substitute its discretion, nor the opposition to substitute their discretion for a discretion that is given under the law. So, on that point, I believe that once again there is nothing to answer in relation to it.

Madam Speaker, I noticed that a lot was said on the television and in the press as well by the First Elected Member for West Bay in a direct criticism of the Minister of Tourism. The Minister of Tourism is a man with an impeccable record who has given his whole life to the service of this country. He not only rose to the point of being Financial Secretary—the highest and most powerful position that can be held in this country by a Minister or an official Executive Council Member—but he retired from that after a long and impeccable record with the government. That, Madam Speaker, is something that

the First Elected Member for West Bay should definitely not be trying to criticise.

Madam Speaker, the attack on the Minister by the First Elected Member for West Bay was totally unjustified in relation to his ability. He has the proven ability—over three decades of experience, integrity, honesty, and ability. He is also highly qualified like our present Financial Secretary. We have been lucky to have had the highest calibre of people in the official Members' seats and specifically now I would be talking about the present Financial Secretary's position.

The people of West Bay appreciate what the Minister of Tourism has done for this country. In fact, the whole country appreciates it. He continues to be an extremely important and integral part of the negotiating team. In fact, the Minister of Tourism . . . and I first started negotiating in the United Kingdom and the United States back in the late 1970s, especially in the early 1980s. It was much different in those days. It was somewhat of a slower pace. Along with the Honourable Financial Secretary and the Honourable Attorney General and the Third Elected Member for George Town, we make up a very important team—a team that requires at times everyone within it to deal with the areas that are so important to them. In this case, we are looking at areas of finance and accounting. I am saying this because really the First Elected Member for West Bay has, in my view, attacked (verbally) the character of the Minister of Tourism.

But, you know, one of the things that I found to be so unusual is that the people of West Bay are much smarter than that, they understand politics—

**The Deputy Speaker:** Honourable Minister, could I ask you to move off that item now? I have heard you say those words at least three times. Thank you.

**Hon. Truman M. Boddin:** Sure, thank you, Madam Speaker.

Moving away the honest integrity of the Minister of Tourism, I now turn to the First Elected Member for West Bay who, because of his attack, I am therefore entitled to deal with.

Madam Speaker, the First Elected Member for West Bay should be the last person in the world to talk about financial mismanagement!

**The Deputy Speaker:** Honourable Minister, may I say something please? If it is the intention to get into any particular subject concerning the First Elected Member for the district of West Bay, it has nothing to do with Private Member's Motion No. 6/2000, as amended. I would rather if you steered clear of those words.

**Hon. Truman M. Boddin:** Thank you, Madam Speaker. I did not intend to go into anything specific, but to make the remark that the First Elected Member for West Bay is the last person who should try to either allege financial mismanagement, or attack the integrity of someone like the Minister of Tourism.

Madam Speaker, the Minister of Tourism is still in Executive Council and that in itself is proof that that Honourable Minister is an outstanding person.

Now, Madam Speaker, I believe I have covered all major points that have been raised by the two members. I am just checking my notes here briefly and I would really like to deal with summarising the—

**The Deputy Speaker:** Honourable Minister, would this be a convenient point to take the morning break?

**Hon. Truman M. Bodden:** It sure would, Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 11.01 AM

#### PROCEEDINGS RESUMED AT 11.20 AM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Private Member's Motion No. 6/00 as amended. The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** One other short point before I summarise. The motion calls . . . and I would just like to read this, **“AND BE IT FURTHER RESOLVED THAT upon completion of the technical audit of the landscaping contract for this project, any parties responsible for fraud, misappropriation, or any other illegal action be identified and be the subject of appropriate legal action and that this Honourable Legislative Assembly be apprised of the proposed course of action.”**

The Minister of Tourism has no objection whatsoever to having this matter looked at. We want to make abundantly clear that there has been no—and I repeat—no evidence whatsoever to show any type of fraud, misappropriation or any other illegal action. There could not have been, otherwise this would not have been called for on the landscaping contract. Whatever needs to be done there to clear any doubt, the government has no objection to [and] under the Constitution has no say over it anyhow. At the end of the technical audit of the landscaping contract it is then up to the Auditor General under the law to refer any matter that he wishes the police to investigate to the Commissioner of Police and under the Constitution that goes to the honourable Attorney General for decision, if it gets that far.

Indeed, the question of prosecution is not a question for this House. It is not a matter for Executive Council. Under the Constitution it is a matter purely for the police and the honourable Attorney General. By all means, the Auditor General has a duty. He doesn't need a motion by this House to do that. If he believes there is anything illegal he has a duty to refer the matter to the police who will then refer it on to the Attorney General. It therefore is a matter that then follows the normal prosecution.

This House can only be apprised of certain matters relating to a matter if it moves on for prosecution because of the sub judice rule. I assume that the latter part of this motion (and I believe the First Elected Member for George Town meant it to be that) is obviously subject to the sub judice rule.

So, there is no objection whatsoever. In fact, it is something that would be welcomed. But, once again, it is a decision for the Auditor General under the Law, and if he wishes to refer it to the police, neither government nor the legislature can refer any matter in this way. The ultimate decision rests with the Attorney General under the Constitution.

In summary, because I think I have dealt with as many of the points I have noted and can remember, . . . firstly, the motion . . . nor can anyone in this House say that there is any misappropriation of funds or anything illegal in this matter. Indeed, nothing has been proven to be that way. Like any large contract there are areas where an auditor generally will pick up and want further information and explanations. But that is not unusual. Indeed, that is the duty of the PAC. If there was nothing to be questioned in the running of a \$300 million a year country then the PAC would have very little to do.

This happens many times every year. The PAC looks at different things. It is my view that this is a direct attack on the character of the Minister of Tourism. I submit that there is no substance to this motion and that therefore it is one that time will show was ill founded and should have never been brought.

The people of this country and in West Bay know who is behind it. So do I! So do we, I should say.

*[Inaudible interjection]*

**The Deputy Speaker:** Can we cut the debate across the floor please?

**Hon. Truman M. Bodden:** The people of the Cayman Islands do not like this type of attempt to basically raise and allege matters whereon there is no (in my submission) good basis to do so. I think the people of the Cayman Islands will be happy to hear that the Caribbean Development Bank estimated the project at \$8.7 million and in actual fact it came out at \$8,170,510.97, a historic savings of \$529,489.03.

If that is not prudent fiscal and financial management, what is it? Which other contract in these islands . . . and how many have been over and how many times have we come to this House to vote funds for extras for contracts that have been done here? So this House should be grateful to the Minister of Tourism for the prudent management and ability that minister has shown over the last three decades of bringing this in under the actual estimate, and an independent estimate by the Caribbean Development Bank.

Indeed, in relation to capital projects, a large part of my time goes struggling to try to keep the overruns on building and other projects within a reasonable amount over the estimated cost of it. So this is really one of the



very few times that there has been such able management of such a large and diverse contract. Apparently there were some 11 subcontracts involved over quite a number of years on these projects.

The next point is that out of the many contracts and subcontracts, the only ones that anything could be alleged in relation to were three small subcontracts—the one relating to signage, \$242,000; the one relating to direct labour, \$318,202; and the one in relation to furniture, \$226,775; and a very small part of the \$8,170,000 spent on Pedro St. James.

On the question of fiscal management, anyone in government who can make a savings on the projected cost of a contract has to be good because there are very few of ministers, now or in the past (and I daresay in the future), who would be able to finish projects within the estimated cost.

We turn first to the question of the direct labour agreement and we see that the audit office stated clearly, that it is **“fully satisfied that gardeners were paid at the rate specified and that the work paid for was actually performed.”** That quotation comes from paragraph 3.8, page 43. That in itself removes any doubt from the main one, that this investigation is sought to be carried out. That’s why the government has no worry whatsoever because the findings in it . . . and there were invoices that there was confusion between the Botanic Park and the Pedro St. James, and yes that was so. But the money that was spent was still government’s, on government projects. A lot was done to try to sort this out and indeed I am not sure where any doubt can be left at this stage about criminal matters on this with such a finding.

In fact, if I may just read at paragraph 3.6 of the Auditor General’s Report, **“A direct labour scheme seems to have been a very good approach, one in which in the circumstances offered several advances over conventional tendered contract including flexibility, training and potential cost reduction.”** Therefore, the contract was good. This is a contract that is being targeted. Indeed, that’s what happened, the contract produced the results of saving this country in the end \$5 million dollars.

So, nothing can be levelled at that contract, I submit, that will carry any weight. Obviously, where you have a lot of labour for the two projects, the Botanic Park and Pedro St. James, there could be cross ups. But that is being sorted out. At the end of the day, the money is for government projects. So I guess it does not matter very much that there may have been invoices for the Botanic Park that should have been under Pedro St. James, because the same people, I would think, were performing the same services at both. But, we are always talking about training. It sets that out clearly. The contract included flexibility and training. So there need be no extra cost for training the people to maintain the grounds in these lovely projects.

The other point I would like to make is that, in summary, the position was that the Ministry of Tourism quite rightly hired a main consultant, CHRM. And they relied upon the consultant for advice and to certify the invoices

and on the basis of that they were entitled to do so. Indeed, if we look at the Auditor General’s Report, we will find at page 49, 3.20, where he said, **“The consulting contract entered into with the main consultant is generally fair and reasonable to both parties.”** What could be clearer?

He also said the use of specialist consultants, which is the point that I made earlier. We are dealing with specialist consultants here. He goes on to say, **“The use of specialist consultants from outside the Cayman Islands presents particular problems in ensuring that the consultant is representing the employer’s interest and completing the full scope of their services.”** Obviously a very complex contract, but the Auditor General was satisfied that the contract between the Ministry of Tourism and the main consultant was fair and reasonable to both parties.

Having employed a consultant to take their advice and rely on . . . and, indeed, that’s exactly what the Ministry of Tourism (the ministry, because I know there was some attempt to isolate the minister from the ministry) . . . because the motion states that the project up until July 1997 was managed directly by the Ministry of Tourism. So the Ministry of Tourism is involved in management. And that is also borne out at paragraph 3.21 at page 50 when the Auditor General said this, **“It is clear that both the Ministry of Tourism and Treasury personnel relied on the certification of contract invoiced by the main consultant CHRM.”** Indeed, that’s what they were entitled to do.

But there is no allegation there, the Treasury having done what the Ministry did. That seems strange and bears out that this motion is all about, in my view, West Bay politics. Both the Treasury and the Ministry relied on a contract that was fair and reasonable and now, having done what they should have done we get these allegations.

To put things in an even better perspective, the Auditor General was so pleased with the contract and the ministry and the reliance on it, at page 51 he said . . . and I believe it is undoubtedly all that can be asked of a person in this House or in government. He said this: **“Ministry personnel appear to have acted in good faith throughout.”** That’s extremely important. That’s all that can be expected of anyone in this life—to act in good faith throughout.

Obviously, the ministry did not have . . . and he goes on to state that they did not possess the technical expertise to deal with a project of that complexity so they relied upon their main advisor and “they acted in good faith throughout.” What a vindication by the Auditor General saying they have really done everything that could be expected of them. No one is perfect. *Let him who is [without fault] cast the first stone.* I can assure you, in this House there will be no stones thrown at all.

There were some problems, obviously. The contract was highly complex. But the Minister, the Ministry, and indeed the Treasury, did everything they were expected to do and in good faith throughout. Not just in good faith

every now and then, but the Auditor General chose his words well. He said, "they acted in good faith throughout."

Earlier I dealt with the question of the waiver and in summary there is very clearly power for the Financial Secretary in the law that I read, as well as in the Financial and Stores Regulations, to exempt from going to public tender on specialist contracts. I am not saying they were specialists, Madam Speaker, I read from the Auditor General's Report and he regarded them as specialist contracts. That was done with the approval of the Executive Council. But they were small contracts. We have to remember that the bulk of this money, whatever it was to build (I don't remember now), millions on top of millions out of the \$8 million, the larger part of it had been tendered. There's no question at all. There were 11 subcontracts and it seems that these three were chosen to be attacked.

I also understand that in those 11 subcontracts were contracts with Steve Shaw who did the multimedia aspect and who subcontracted to deal with the many different aspects of putting that together. The project of Pedro Castle is, in my view, and in the view of the public of this country, one of the best projects this country has seen. I thank and commend the Minister of Tourism for the many years he put in bringing this to final fruition because it is so important to this country that the birthplace of democracy has been preserved; so important to the district of Bodden Town. I would invite the three members of this honourable House from Bodden Town to vote for this project. I believe it provides to the people of Bodden Town and the district and to these islands and, in fact, the Caribbean because applause has come from all corners of the Caribbean and abroad—

*[Inaudible interjections]*

**Hon. Truman M. Bodden:** —You might not like what I am saying, but I am going to finish—from the Caribbean and abroad how good this project is and how capably it has been finished. Indeed, all the people of these islands have enjoyed it, but especially important to the district of Bodden Town and the many Bodden Towners who work there, whom I am very proud of . . . and I believe the three members should make them proud and vote the right way.

The motion has been one of only two I have seen in this House. It has two facets to it, one is a direct attack on the Minister of Tourism himself, who I submit cannot be singled out in this way because throughout the Auditor General's Report the Auditor General dealt with the Ministry of Tourism. References throughout, in fact in what I read of it there were no references in there directly to the Minister: it's the *Ministry* and also the *Treasury*, in relation to the management of this project. Therefore, to take the attack of no confidence in the minister, and to try to leave out the other parties in relation to this, in my view is totally unjustified, as it was on the previous motion brought against another minister some time back.

The Minister of Tourism has given his life to this country. He has worked in government endlessly and tire-

lessly. And, most important, he has had the finances of this country throughout the important time when it was so crucial to have a Financial Secretary of his calibre managing this country's finances. He was succeeded by another very good Financial Secretary and we have to be thankful to these two men for keeping this country stable and for properly managing it.

It is unthinkable to believe that a man with three decades of properly managing and bringing this country to where it is now has to face at this late stage allegations of mismanagement which are totally unfounded. I read from the Auditor General's Report. It bears out clearly that these allegations are unfounded. Therefore, it is a sad day when the politics of this country reach such a low ebb.

I have no doubt whatsoever. I put my full faith, my full support behind the Ministry, behind the Minister, behind the Treasury. We know that in the end the Good Lord sees everything and He will ensure that it comes out right for those who believe in Him. I thank you.

**The Deputy Speaker:** I have been asked by the honourable Financial Secretary that we take the lunch break now for a meeting in the Committee Room. I have granted permission so we will suspend proceedings until 2.00.

**Mr. Roy Bodden:** Madam Speaker.

**The Deputy Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Earlier this morning I raised a matter with the Leader of Government Business concerning the pace at which we are working, and I queried as to whether it would be acceptable and reasonable for us to go on a little longer than our normal adjournment hour in the afternoon in order to try to conclude the business within the next few days. It is Easter time next week and, as I understand it, certain government members are going on a delegation to the UK again. I wonder what is the disposition of government members, and whether the Leader of Government Business is in a position to say whether or not he had any success in raising any commitment from his colleagues.

**The Deputy Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Madam Speaker, the honourable member is correct. I did speak to members on this. Today there is one minister with a medical appointment at 4.30, there's one with a dental appointment at 4.30, and it seems like today may be somewhat difficult. The problem when we looked at Wednesday was that . . . and let me say this, whatever we can do to extend this and get out of here I am personally (and I am sure everyone is) with. To move on on Wednesday, I would need to cancel an Air Traffic Licensing Authority meeting of which there are licenses pending that need to be dealt with. I am wondering if it would not be better if we could begin,

say, at 9.00. We would still get the hour in, but I believe that if I have to cancel the ATLA now, I don't see that getting done probably until after Easter, and there are charters for Easter that we should try to deal with.

I should point out that the only time I can fix meetings, or that ministers can fix meetings, is, well, after the Legislative Assembly. I set this some time ago and notices have gone out.

On Thursday, we are open. We could begin earlier and go on later if that would assist the member.

**The Deputy Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I certainly appreciate the honourable minister's predicament, and I would not want him to have to cancel important meetings where people are waiting on licenses for air charters over Easter. But I have to say that I don't think it makes any sense for us to waste our time by deciding we are going to start earlier when we have a difficult enough time meeting at 10.00 AM. I certainly don't think we are going to be able to meet at 9.00 AM. So, it looks like we have to forego this and just bite the bullet and be in here for an extended time.

**The Deputy Speaker:** I think we understand very clearly that we cannot continue late this evening, and we cannot continue late on Wednesday. But should we be here until Thursday, can we all be prepared to work late on Thursday evening until we complete the business?

Proceedings are suspended.

#### PROCEEDINGS SUSPENDED AT 12 NOON

#### PROCEEDINGS RESUMED AT 2.19 PM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 6/00 as amended. Does any other member wish to speak?

The Fourth Elected Member for George Town.

**Dr. Frank McField:** I know the general public that has been listening to the debate on this Private Member's Motion (which originally used the word "mismanagement") is aware that the word "mismanagement" means that it could be just bad management as well as wrongful management; and that the word "wrongful" implied misconduct, where the word "bad" would apply to inability.

I would like to approach this motion from the point of inability rather than from wrongful conduct. I am talking about the bad management, meaning the inability. And the inability has to do with leadership. It has to do with the end. I always speak about leadership and how we need to apply the carpenter's rule of measuring twice and cutting once. If we are supposed to have leadership that is accountable, if we are to have in this parliament ministerial responsibility, it would follow that ministers have to be responsible in the beginning. So, management has to be

good not only in the middle or at the end, it has to be good in conception.

We have to conceive the plan, and that is the beginning of management. The application of the plan has to do with a different stage of management, which is not the stage of management I am necessarily talking about. I am talking about the minister, the portfolio, the government's bad management—not just of Pedro Castle but of other issues in society.

The Leader of Government Business, as a lawyer was able to get up and speak on why this motion should not be before the House. In the first place, he said how the experiences of the Minister of Tourism puts him beyond where he might be questioned by members of this House; because the experiences (according to the Leader of Government Business) of the Minister of Tourism are so vast and tested that no motion should question his ability.

That's fine, because we know that good boxers who are champions can lose fights because they make one basic mistake in the beginning of the fight. That basic mistake made in the beginning could determine the results. So a lawyer who is well versed in arguing his case can make a mistake in the beginning that would have bearing upon the following conduct of his defence. As a matter of fact, in this world we could make one mistake and that could determine our lives forever.

The mere fact that the minister is an experienced member of this government does not mean that he is not a human being. It does not mean that he cannot err and therefore use bad judgment in his management style. He is dealing with a different kind of predicament. The Pedro St. James Historic Site was a different predicament. The way the project came about in the first place had to do with the Historic Sites Committee, the National Trust.

It started in 1991 with the purchasing of the property. It was an ad hoc development of a historic site that would act as a tourist attraction.

In the conception, the idea stage, the minister responsible might not have paid enough attention to the original stages that he should have. As a result, the project might have started on a level that might not have been compatible with the way we are used to believing that government should manage. If the Auditor General is saying that the principles upon which decisions were originally made did not complement the way in which government makes decisions, they have to show good reason why they would break with precedent in order to create another style. What would be some of these reasons?

They have said that the reason the contract did not go out to tender was because they did not feel we had the expertise locally. Public Works Department was not considered capable of managing the project because PWD did not have the expertise to manage the project. Was it therefore demonstrated to Executive Council, who made the decision not to send this project out to tender that the ministry had the expertise to manage this project? I should hardly think that if we had no expertise on the island at Public Works Department that we would have it in

the Ministry of Tourism, which at that particular time was not responsible for Public Works Department.

We don't have to cast any aspersions on any person. We can talk about the inefficiency in management style, and how when an inefficient management style is conceived by one minister it is supported by other ministers in Executive Council and it impacts the way we expose our country and the resources of our country to further be exploited by someone who is not from this country.

Whether or not they succeed in gaining \$5 over what they should have been able to achieve, or \$100,000 more under a different management structure, is not the point. The point is that that type of exposure of our country's resources suggests that we continue to trust everybody that we come in contact with especially if those persons are from someplace else telling us they are honest and good and will do everything for our benefit.

I think that the Leader of Government Business cannot convince the Caymanian public of the idea that everything that is done by government can be justified and seen as good for the people. If we are condoning this type of management style now and in the future, what will happen if there is a new government in this country tomorrow dealing with a project they know nothing about? They go and hire a team of archaeologists that are going to give them some kind of concoction about what their culture is, their heritage, their values, and they are going to create for the present and the future a reconstruction of this thing that existed in the past.

First of all, they went into this project with a lack of historical understanding of their heritage, with a lack of cultural insight as to the significant value of the heritage, and they are taking the heritage and making it into a tourism product. Fine and good. I am not going to argue about that since the project happened to be under the Minister of Tourism. But the mere fact that a person who came to consult them on the first phase (which was the idea stage of the project) should now become involved in consulting them about the physical manifestation of the ideas is what I consider to be bad management in the first place.

I think that the separation of the physical conception of the project, the idea conception and the physical conception, would have been more prudent. So, when the Leader of Government Business gets up and talks about prudent management without understanding that he is not the only one with the ability to analyse and dissect and show people and give people an insight into things, he is talking nonsense. It is not prudent to put all of your eggs into one basket. We hear the old people saying that all the time. If that is so, then why hire the same people who were responsible for the idea to do the construction?

There are those who say that because they were involved in the idea creation that they should be able to best interpret the idea form of the development. But what are architects for? Why do most of the architectural firms in this country do the architectural renderings of projects and the engineers, contractors, and landscapers come in

afterwards and give us what these people were dreaming of?

My submission is that this particular move by the Executive Council to waive tendering to allow the company that had been responsible for the idea stage should now become involved in all phases of construction, landscaping as well, to be involved in the total management and control of the project without the least bit of supervision, that although that might have resulted (like the Leader of Government Business said) in saving the country a little money (the original estimate was \$8.7 million and it ended up costing government \$8,170,000)—

*[inaudible interjection]*

**Dr. Frank McField:** Right. He says this, but we are not sure it's the fact. But even if there was a savings, we will find that we have degraded the system by which we have pledged to work because we believe that system allows for transparency.

That is the magic word—transparency! It is not to say that because I cannot see beyond the curtain that I am now going to say that something bad happened on the other side. But because we live in a democracy it would be more prudent to allow me to see beyond it at all stages since that is my right as a member of this Legislative Assembly. I should not be accused of wanting to ridicule the Minister of Tourism because I speak on a motion that was formulated in such a way as to raise questions about the actual transactions regarding Pedro St. James.

I am not from Bodden Town, at least not now. I guess originally that's where the McFields came from, Bodden Town. I know that much. And I don't know that we were involved in the democracy that took place at that time either. But I would like to say that I enjoy the atmosphere at Pedro St. James. I have gone to events there that have caused me to see the value of what has been done there. And that is not the point.

For the Leader of Government Business to get up here and try to put the elected members of Bodden Town, or what I believe he is doing to the Third Elected Member for Bodden Town, saying that if he is critical of the handling then he is critical of the project and therefore he is against something that provides employment for his people and enhances his district. That's the furthest thing from the truth!

The truth is that this motion is not asking whether or not it was a good thing to do. It's questioning the management style; the leadership qualities as can be seen by examining the outcome of the original contract, which the government of the Cayman Islands made with this Canadian firm.

I want to say that I have all the respect for the Minister of Tourism. I am certainly not going to criticise him for doing something wilfully wrong. And we are not allowed to do that by way of our Standing Orders in any case. I don't believe that is what the motion is doing. But certainly if we don't scrutinise the behaviour of one another, if the backbench opposition is not allowed to question the management style or the leadership skills of government mem-

bers, then the status quo is so secure, so permanent, so fixed that no changes are possible, then you wouldn't need democracy.

Sometimes when I hear the Leader of Government Business speak I don't believe he seriously thinks that we need democracy because we don't need to question what he does, or what other members do. We don't need to suggest to the general public that the country could live without their leadership. But if this is the type of leadership he is encouraging then I think that we can disagree on that. I disagree.

I believe that more attention should have been paid to the fact that the Ministry of Tourism did not have the expertise to manage this project when it was brought to Executive Council. Ministers of government should have asked the minister if he was sure that his portfolio could take care of this project, especially when dealing with a foreign country; and if he was sure the public would understand if there was a question later on as to whether all the things done were done in the right and proper way. We have to be seen to be doing these things in the right manner.

That is the kind of counselling you would expect the Leader of Government Business to have given the Minister of Tourism when he brought the proposal to waive the tendering of the project, awarding this company from Canada the contract to build Pedro St. James and therefore subcontract whatever was necessary as a part of the project.

The way the contracts and subcontracts were structured causes us to believe that this had more to do with the motives and expertise and the desires of the main contractor rather than the ministry. So there is no point in my beating around the bush, trying to talk about the ministry, because once the ministry signed the contract it made the original sin—like Adam. The sin comes down the line. But the original sin is the sin of the ministry. If other sins are committed we understand because once you have the first sin, you have a sequence of sins.

I am not going to go into the little details of whether or not this ended up at the Botanic Park or Pedro St. James and all the suspicions. We are dealing with sin, the original sin. And it's the original sin I can talk about in this Legislative Assembly because as an elected member I am paid to hold government accountable for its policies and actions. This has to do with a choice in policy and action that deviated from the traditional more prudent way of doing this type of business.

I visited an older lady Sunday and she said that she listens to the Legislative Assembly debates all the time. She said that she believes the Leader of Government Business is always making explanations and excuses for the other ministers. In other words, people in the public believe this is a court.

I have heard members of the backbench say that because of a motion I brought they thought this was like a courtroom and we should take the court someplace else. One of the reasons it seems like a courtroom is because of the way the Leader of Government Business argues. He takes a little point and he goes around it like a mos-

quito—buzz, buzz, buzz—hypnotising you, droning you with boredom until you get to the point where you say 'I give up! Hallelujah! You're right, minister. You're so brilliant, so superior, you're so incredible.'

[Members' laughter]

**Dr. Frank McField:** That's what happens in here. That's why some people think it's a court.

But let me tell you, the jury has not come back from deliberation as yet. The jury intends to deliberate for a very long time on the issue of whether or not that minister will be allowed to continue to make excuses for what goes on in this country that should not go on.

He mentioned another motion. He seems to want to tell the public that democracy would work best if he was permanently at the Glass House rather than down here having to answer our fresh feisty questions and criticism. He tends to be almost like a demagogue, and he confuses the whole essence of what our job is supposed to be.

I have spent a lot of time on *Public Eye* and other programmes trying to tell people that debate is helpful, healthy, and positive. It's only by way of exposing what you do to scrutiny that you will improve what you do in the future. If we are to invent a future that will be beneficial to all persons living in the Cayman Islands, then we have to invent that future democratically. If that is to be done, we have to be supporters of a system that is transparent and that can be scrutinised and questioned without people feeling that this is a personal vindictive attack upon one of our outstanding citizens. I don't think that I would be involved with that type of accusation.

And I want the general public to know that their country is better off at this moment because it has people in here with the intelligence to compete intellectually with one another in order to develop a much more progressive and creative system of government than in the years like 1976 and so forth when the Leader of Government Business considered himself to be the only educated and competent person in this country.

I give God thanks for the fact that the election in November will come soon and the people will be given a say as well as the Honourable Minister responsible for Education, Aviation, and Planning, for if he had spent the time dealing with education that he has obviously spent dealing with this Pedro St. James issue we might know where we are going with education. Obviously, we need some fresh creative ideas in that field as well.

I just hope that when other members get up to speak they make it quite clear that parliament is for debate, not for stifling the voices of the people. Thank you.

**The Deputy Speaker:** Does any other member wish to speak? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** As the seconder of this motion, I was debating whether or not it was necessary for me to say anything at all. I considered that the mover and (up until that time) the First Elected Member for West Bay had

done justice to the position that I was taking. Consequently, I was undecided. However, it is now incumbent on me to clear up the misconceptions he deliberately perpetuated—as is often the case after the Leader of Government Business speaks. For that minister to suggest that this motion comes here primarily motivated by West Bay politics is not only ludicrous and preposterous, but it borders on the disingenuous.

As that minister well knows, this motion has been around for almost one year and arose in the first instance out of a genuine concern and dissatisfaction of the handling of that project, namely the Pedro St. James construction project. And it is a pity that he is not here—as he is so often not when matters are being addressed emanating out of his comments. For him to suggest that I should be fearful and intimidated, or that I should stifle my conscience or suddenly be dumbstruck—because if I speak against this and take a position of principle against this the people of Bodden Town will vote me out—is as far from reality and truth as east is from west.

I am taking a position of principle. I have always stood on my principles; therefore, I have no fear. If I am voted out because of my principles, the next day (when I become Mr. Citizen Roy) I shall walk the streets with my head held high on my shoulders. That will not have been any disgrace as far as I am concerned. But, if I am a coward, and do not speak what needs to be spoken, and do not call a spade, a spade . . . even if I am voted in with the greatest majority ever, I shall be ashamed of myself for playing politics of convenience and abiding by situational ethics, rather than being true, fair, and honest.

I have always said that for me it is not a question of being popular; but it is always a question of being right. Oftentimes being right in the short term means not being popular. However, I am confident that if you are right and unpopular, in the long term you will become popular because people will find out that you were not playing any expediency, not playing to the gallery but representing the truth as it deserves to be represented. Consequently, I have absolutely no fear of the position I take regarding retaliation from my constituents because I know that there are significant numbers of them who share the same concerns I share regarding the construction project at Pedro St. James.

Now, let me say what this motion is not about. This motion, contrary to what the Leader of Government Business said—and he knows well—is not about any personal castigation. It is not about trying to destroy the Minister of Tourism; nor is it about trying to destroy anyone else. This motion is calling the attention of this honourable House to the inconsistencies and paradoxes in the way this project was handled. I shall go on to show that from day one the project went awry. From the very beginning, it went off track. It has nothing to do with trying to besmirch or destroy the career of any civil servant or politician. It calls into question certain basic weaknesses of which the minister, for all the experience he has, cannot extricate himself convincingly.

While I am not going to destroy the goodly gentleman (because I have no reason to), by the same token I

also have no reason to paint him in any divine context. I have no reason to canonise or beatify him either.

My responsibility is to say that he abnegated his responsibility as a minister of some experience and long standing. He was duped! He was *sammied!* he relaxed his observation and was taken advantage of. That is how I see it. But that does not excuse him. And I cannot now say that the matter should be forgotten. I have to remind the minister that he should have been more diligent, less trustworthy, that he made some basic errors.

It is clear that the motion is not about destroying the minister when in the first resolve it says, “**BE IT THEREFORE RESOLVED THAT this Honourable House records its lack of confidence in the Minister’s handling of the project . . .**”—of “the project.” It never said “general lack of confidence in “the Minister.” It says “. . .lack of confidence in the Minister’s handling of *the project.*” So how can people take it out of context to say that this motion is about destroying the minister? I don’t like that.

While I agree that persons must have the democratic right to express themselves, I have to take umbrage with those types of suggestions. The Leader of Government Business is creating mischief. He is misleading. He knows—

**Hon. Truman M. Bodden:** Madam Speaker, I object! On a point of order.

#### POINT OF ORDER

**The Deputy Speaker:** May I hear your point of order?

**Hon. Truman M. Bodden:** I object to that statement. He has stated that I am misleading.

**The Deputy Speaker:** That you are misleading?

**Hon. Truman M. Bodden:** Right.

**The Deputy Speaker:** Honourable Minister, I do not take his point that you are misleading the country generally, I think that what he is saying is that in your debate, to say that this motion is speaking directly to the Minister is misleading, because it is saying “lack of confidence in the Minister’s handling of the project.” So I do not consider that a point of order.

The Third Elected Member for Bodden Town, please continue.

**Mr. Roy Bodden:** Thank you, Madam Speaker.

I want to go further to point out that the second resolve of the motion calls for completion of the technical audit. It is not laying any blanket charge, saying there was fraud or misappropriation. It is calling for a technical audit to verify this. So I take umbrage to the suggestions I heard made a short while ago.

Now, having cleared that, having set the parameters within I plan to debate, let me begin by saying that it is unacceptable for someone with the experience of the honourable Minister of Tourism to have allowed himself

to have been carried away so that this project was so poorly supervised. And for that, the minister has to take full blame. He has to accept the responsibility.

Excluding the hospital this was the second largest construction contract undertaken by the National Team Government. I deliberately draw that comparison to destroy the notion that the Leader of Government Business gives, and indeed the Minister of Tourism on occasion gives, that they should continue to be voted into government because they are the ones with the experience and expertise to run the country.

The Minister of Health came into the construction of a hospital cold turkey! Plunked in the midst of not only the largest construction project, but one fraught with controversy, dissension, disruptions and objections. That minister came from outside, was plunked into that position and has constructed the hospital successfully. I would have to say that he has successfully constructed a hospital of greater sums than Pedro St. James, having to deal with many more (what does the Minister of Education call them?) complex issues and contracts. And yet, there is no question as to the efficacy of what happened. There is no question as to the regularity of the procedure.

So, if they are claiming ("they," being the Minister of Tourism and the Leader of Government Business) that it takes experience to be successful and do things, and that "they" must be kept there because "they" have that experience . . . then tell me, how do they explain the performance of the Minister of Health with a mammoth project like the hospital which is finished and not surrounded by controversy?

I don't even hear any of the usual political queries. So their argument, that it must be them always, is destroyed. By their own volition, they have destroyed themselves.

I am aware that for all of the sharpness we say we have (we being Caymanians) sometimes we fall into the company of slick-talking people, fast talkers. Some of these people can literally *sell ice to an Eskimo!* I believe this is the kind of situation to which the Minister of Tourism fell victim, an innocent victim. But the Minister of Tourism should have kept his eyes and ears open, and should have been on the alert.

I am not saying that something would not have still gone wrong, but I am saying that the minister would not now find himself in a position of looking back because of someone else's fault. I believe in all sincerity that his intentions were good.

In reply to the Honourable Minister responsible for Education, Aviation, and Planning and that web he was so cleverly trying to weave, I would like him or anyone else to substantiate anywhere that I have taken a position at any time against the construction of that project, even though I know it is not without its challenges to this day because the completion of the construction is one thing but the successful operation is another. But I have yet to go on record saying that I am against it.

The Minister of Tourism can speak for himself. I gave him moral support. I voted in favour of it. And I am

still willing to give him the necessary support to get the project on its feet. So for the Leader of Government Business to suggest that I was trying to torpedo the project and sink it, appealing to the people of Bodden Town who work there to vote against me . . . Madam Speaker, he better spend his time shoring up his own constituency. He'd better be worrying about himself and doing a few things for George Town because Bodden Town has Pedro St. James, what has George Town got?

And he's a minister, Madam Speaker. I am just a poor backbencher!

**Dr. Frank McField:** Maybe we'll get the civic centre.

**Mr. Roy Bodden:** We have civic centres, we have Pedro St. James, what has George Town got? And he's the minister!

**The Deputy Speaker:** Can we get back to the motion?

**Mr. Roy Bodden:** I just wanted to remind the Honourable Minister responsible for Education, Aviation, and Planning that I can play those kinds of politics too. I can play dirty too.

**Dr. Frank McField:** And he gave two civic centres to East End!

**Mr. Roy Bodden:** And then I don't want to remind him that he gave two civic centres to East End.

[Members' laughter]

**Mr. Roy Bodden:** When I said that the project was off on the wrong foot, I want to draw attention to the Auditor General's Report and the financial statements of the Government of the Cayman Islands for year ended 31 December 1997. Paragraph 3.8 on page 45, where, in commenting on the start-up fee for Pedro St. James, the Auditor General said, "**A total of \$307,261 was spent against this vote in 1997. But only \$150,000 relates to the start-up expenses for Pedro St. James. Of the remaining \$157,261, \$114,000 relates to payments made to a contractor for the acquisition and installation of plants at Pedro St. James, \$47,000; and the Queen Elizabeth Botanic Park \$67,000. These expenses have been mis-classified and should have been charged to separate capital votes. The Caribbean Development Bank has refused to reimburse these costs from the Pedro St. James loan because the banks tendering procedures were not complied with.**"

I don't have any 25 years in high finance. I don't have any degrees in credit management. But I know that that is shoddy record keeping. I know from my experience that that is the kind of practice auditors rap the practitioners on the knuckles for. Shoddy record keeping invites all kinds of insinuations, aspersions and innuendo. I am saying that it was the minister's responsibility, because the Minister of Education talks about the *minis-*

try. But who is the head of the *ministry*? Is it not the *minister*?

Regardless of the Constitutional arrangement, the minister should have picked this up and nipped it in the bud. How? By approaching the contractor and saying, *'Listen, this cannot be tolerated because we must not have any graying of the areas. There can be no admixture here. We have to keep proper records. You must remember that I am ultimately responsible to the Parliament of the country.'* That would have been in order because do you know what happens when this kind of attention is brought to the contractor and he fails to abide by it? It is reason for reviewing the contract. So I am saying that the business got off on the wrong foot from the very beginning, from the outset, from the inception, because this should have been nipped in the bud. If it had, some of the more obvious glaring and odious practices would not have fallen on.

I am happy that the report casts no reflection on the bureaucracy. I am even happy that it casts no reflection on the minister other than to say that the minister was lax in his supervision of the project. And you can't even blame him beyond a certain point because his responsibilities do not exclusively end with the oversight of the Pedro St. James project. He has other responsibilities and the ministry has other functions he has to oversee. Nevertheless, the minister allowed these weaknesses to creep in.

Like the sign on Harry Truman's desk, the buck stops with the minister.

Another significant point needs to be made. With all of his experience—and indeed the Leader of Government Business touted how he was a former Financial Secretary—the minister should have clearly understood that there was a basic problem with moving a project of that magnitude out of the direct supervision of the Public Works Department to the Ministry of Tourism, which was not equipped (by virtue of the number of personnel and technical expertise) to fully supervise this project. That is the single most glaring weakness. That project should not have been moved to the ministry. The ministry was ill equipped.

As I read the Auditor General's Report, and as I heard the deliberations of the Public Accounts Committee on the radio, I realised that there are some basic lessons that we as policymakers, ministers, and responsible people, have to learn and understand in our dealings with other parties. One of those lessons is that we have to be (how should I put it?) a little more perceptive. We may even have to be less trusting in certain areas.

I believe that part of the breakdown here lies in the fact that advantage was taken of the informal laid back way we do business. Advantage was taken of the kind of trust that we are accustomed to using when dealing with one another. I believe these are nuances that we in the Cayman Islands have to shy away from now as a result of being burnt.

The consulting firm CHRM mutated itself in a way. It went from CHRM Canada, to CHRM Cayman. That in itself should have been cause for some close observation and supervision, giving rise to some skepticism. And

for a situation to arise where the very consultant became a contractor and then subcontracted certain things is an unsavory, unnatural relationship. It is a symbiotic relationship that is normally frowned upon. I am not suggesting that it was illegal as much as it was unusual in these kinds of circumstances. Someone—certainly the minister—should have been following this more closely and realised that this kind of mutation would not bode well in the final analysis.

How can someone start as a consultant and then wind up as a contractor? In many other jurisdictions that would be cause for great alarm. The red lights would be flashing.

The Auditor General drew indirect reference to this kind of thing—the inability to produce records. It is clearly borne out that this is cause for suspicion. It is unfortunate that it happened this way and was allowed to cast aspersions upon the performance of the minister. Someone has to assume responsibility.

In the Auditor General's Report on the financial statements of the government for the year ended 31 December 1998 (and I am not going to read and comment extensively because others have done so) . . . I just wish to draw reference and raise concern about what I call a refusal to cooperate which serves to do nothing other than arouse suspicion.

On page 43, paragraph 3.3, **"The subcontractors budget submission did not state the currency in which prices were expressed. The possibilities are Canadian dollars, the contract was between two Canadian companies; or Cayman Islands dollars, with United States dollars as an alternative. The paper submitted to Executive Council makes no reference to either Canadian or US dollars. It seems to have been assumed by all concerned that SSP (Steve Shaw Productions) bid was expressed in Cayman Islands dollars. And this was confirmed by CHRM to the ministry in 1996. Subsequently, in March 1999 CHRM indicated that the SSP price was actually expressed in Canadian dollars. The intent was that this would be converted to Cayman Islands dollars to allow for CHRM's (consultant fee) supervision and input on the multimedia subcontract. It was pointed out to CHRM representatives that this was not written into the contract provisions and the CHRM representative could not produce any written confirmation."**

So, do you want to tell me that (after listening to the Minister of Education paint the Minister of Tourism in that context) having all that experience the Minister of Tourism allowed himself to be painted into a corner and did not raise any queries about these inconsistencies? And then other members on this side and I, who claim to be conscientious, are expected to say *'Well done, good and faithful servant'*? No, Madam Speaker. Nothing could be further from the truth!

It was incumbent upon the honourable Minister of Tourism to have seen this and to have nipped it in the bud. These kinds of practices mutate into greater and greater practices and travesties. I cannot understand



how, given the gentleman's experience—his three decades as said by the Leader of Government Business, 30 years (not an insignificant number)—he allowed himself to be so taken advantage of. He allowed himself to now have to explain to Parliament why this happened. It is unfortunate.

I believe that not only should the Minister of Tourism be here accounting to Parliament, but the principals of CHRM should be too. Sometimes I lament that we don't have a system like they do in the US where they could be subpoenaed to come here and testify and prove to us that nothing was wrong. But in the absence of that, I have to hold the Minister of Tourism to account.

**The Deputy Speaker:** Would this be a convenient point to take the afternoon break? Proceedings will be suspended for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.24 PM

#### PROCEEDINGS RESUMED AT 3.41 PM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 6/00 as amended. The Third Elected Member for Bodden Town continuing.

**Mr. Roy Bodden:** Prior to the break I was highlighting some of the inconsistencies and obstinacy of the main consultant-turned-contractor, and I was quoting from the Auditor General's Report.

As one reads this report, one is struck by the obstinacy and downright disregard of cooperation. On page 43, paragraph 3.4, when the subcontractor's budget submission did not state in what currency the contract was written, the Auditor General says, "**The Audit Office has contacted both the main consultant and the subcontractor to try to establish the facts. CHRM has declined to provide the information requested.**"

That should certainly not be allowed to go on like this. That is why I remarked earlier that in all candour the minister, although he must assume responsibility for the project, should not be expected to take the rap in situations like this. But in order to protect himself, the minister should have seen to it that such a situation did not exist.

The Auditor General goes on to point out on page 43, "**The audit office has been unable to establish the total amount of fees paid to CHRM for its consulting services relating to the multimedia production. We are greatly concerned about the lack of transparency and accountability over this element of the project.**"

I have to again record my surprise and consternation that the minister allowed this to go forward under a cloud that was opaque. Certainly the Auditor General said it was not transparent. So, if not transparent, it must be opaque. I am surprised because the National Team adopted the buzzwords "accountability" and "transparency." But talk is cheap—they talk the talk, but they fail to walk the walk. That is why I am concerned.

I am saying that this should not end here. It should not end with the Auditor General's Report. It should not even end with any vote against the minister's mismanagement. It should end with a further investigation. These documents should be brought forward. This company should be made to produce these documents. They have taken money in good faith. Now, to get this matter cleared up they should be subjected to the audit as this motion says, and if they fail to produce these documents or if anything untoward has been realised, it should be taken to the next level. We have to send a message.

It is unfortunate that our authority does not allow us to pursue this matter outside of this jurisdiction. It is unfortunate that this project will come to its conclusion with clouds still hanging over the whole project.

On page 44 of the Auditor General's Report, paragraph 3.7, commenting on the direct labour agreement (and there were some positive aspects of the direct labour agreement as outlined by a previous speaker), he is talking about invoices submitted to the Ministry of Tourism for payments that were charged against the Botanic and Pedro projects. However, auditors were not able to locate a contract document and it is understood that there was no formal agreement.

I am not a lawyer. I am not even a legal scholar, but I know when these things happen it is grounds for negation of the agreement.

Not only was it shoddy bookkeeping, but there was no legal ground for the practice to take place. Someone should have seen that. Someone in the minister's position should have seen that and brought that to the principals' attention. And they should have been warned, if that kind of practice continued, that we would have no other alternative but to prematurely end the contract because you are going to get someone in trouble.

I listened intently to the submission by the Leader of Government Business. I was at a loss to understand what he was trying to say. Was he trying to say that the Auditor General had exceeded the ambit of his authority, or that the Auditor General was in water over his head? because this is the same Auditor General that the Leader of Government Business in 1996 used to verify the fact that (according to him, the Leader of Government Business) the National Team had \$60 million in *recurrent profit*.

So, was he trying to say that the Auditor General was good enough for that, but not good enough to make a penetrating analysis of this arrangement between CHRM and all the other complicated entities? If that is what he was trying to say, his logic doesn't hold water. His logic is skewed.

I come back to the point that this project should not have been the responsibility of the Ministry of Tourism because it was too large. The Auditor General himself said on page 51, paragraph 3.21, when talking about the role of the Ministry . . . and this is the fundamental breakdown. I don't know why the Minister of Tourism believed that for all of his experience he could have handled this project from his ministry.

Here's what the Auditor General said, "**Normally, oversight of construction projects is the responsibil-**

ity of Public Works Department who has considerable expertise in this area. For very large and complex projects [which this was], for example the George Town Hospital, a specialist in-house team is assembled. The development of Pedro St. James was complex and unique in many ways. Public Works Department was not involved until late 1997 after the date of most of the transactions described in the preceding paragraph. During the early stages of the project the role of ministry personnel was restricted to processing payments authorised by CHRM. It is clear that both the Ministry of Tourism and Treasury personnel relied on the certification of contractor invoices by the main consultant CHRM. As the role of CHRM changed from consultant to contractor the role of the Ministry of Tourism became much more difficult.”

I am going to pause here to interject a little humour. CHRM did what the Jamaicans call “samfie.” They *samfied* the minister. They started out as consultant, and wound up as contractor. The Jamaicans say somebody must have been the samfie man and the samfied the minister! That should not have been allowed to happen and when it did . . . it must have been something like how a magician evolves into another person. The Ministry of Tourism was at a disadvantage because they were not equipped to exercise that kind of oversight. It would confuse anyone when you start as A and wind up as B and later on you find out they went down to C, D and E.

The Minister should have spotted that. He should have distanced himself from that kind of questionable practice. He should have said, *‘No, no, no, no, no. This kind of unsavoury and unusual occurrence must not be allowed to happen under my watch because I don’t want the backbenchers questioning me and putting me under this scrutiny in the best of times, let alone this year being an election year.’*

I am not so hardhearted that I am without sympathy for the Minister of Tourism, but he should not have allowed himself to get in that position. He should have examined the relationship. I don’t know what transpired, but I think that sometimes we in the Cayman Islands are a little naïve and too trusting in these kinds of relationships. We have to understand that the world is not made up exclusively of people of our nature.

I am reminded of the story told by the Italian sociologist Diego Gambetta. A certain Sicilian man of honour wanted to teach his son a lesson in trust. He persuaded his son to climb up a wall. And when he broached his son with the idea, his son refused and said he was not going up there to jump. The father said, “Go ahead, I will catch you.”

After some moments, he persuaded his son and he went up on the wall ready to jump. The father moved away and the son fell facedown in the sand. He said, “Now I want you to learn a lesson: In certain arrangements do not even trust your family. Do not take anyone’s word for granted. Life is like that. The rules must be clearly laid out.”

I believe that is what happened in this case. Someone, the minister or somebody, was too trusting. This should not have been allowed to happen.

The landscaping contract is a fiasco. Plants dying. Work that was supposed to be done was not done. Shoddy building practices. This project is a litany of things gone wrong. And the upshot of all of that is that the arrangement for the money was made with the Caribbean Development Bank. And that has a record of being hard nosed. I believe the Caribbean Development Bank is even more hard-nosed than the World Bank and the IMF.

So we have all kinds of breakdowns because many of these invoices invariably had to be presented to CDB for reimbursement to the Cayman Islands Government. And invoicing procedure being shoddy in the first place couldn’t pass the scrutiny of CDB. As a result, according to the Auditor General we have amounts now that CDB won’t honour invoices for. There is a litany of evils.

The good minister should not have allowed himself to be put in this position. It’s not the end of the world, but it is certainly an embarrassing position. It casts a cloud on his administration of this. I am alarmed that someone in his position should have seen what was happening before it got to this ridiculous conclusion, and then used all of the resources available, including the legal department, to nip it in the bud before it brought the minister this embarrassment. We have a motion here calling for the House to record its lack of confidence in his management of this project because that is what it is.

We are not inspired to have confidence in how he handled this project. If he didn’t have time to follow it up himself, I know it’s difficult doing a myriad of other things, but someone should have been appointed to keep tabs on these people. That is why I would like to hear the reason why PWD, given their previous experience in these kinds of projects, was not co-opted to handle this.

On page 46, the Auditor General comments, when talking about the structure of contracts and subcontracts, **“In the opinion of the Audit Office, the contractual arrangements were wholly inappropriate.”** Madam Speaker, that is being charitable. The Auditor General is being generous. How in the world could it be expected that it would be tolerated that someone who starts out as a consultant winds up as a contractor? A conflict of interests!

In some places there would be harsher accusations levelled. Why, in other jurisdictions it would have to be examined to find out why the role changed. I mean, when they had insider information. They knew all of this—the extent of the money paid, the work to be done—they benighted from inside information. It is sickening.

And then, as if that weren’t bad enough, operating a company without a local Trade & Business licence. So, it is difficult not to arrive at the conclusion that these principals saw a situation of which they became totally determined to take advantage to the point where they decided to be unscrupulous. They saw where they were taken in good faith. I can understand how the minister in his enthusiasm to get this project done, a worthy project . . . and

I was here at the initial presentation myself. I was impressed.

In his enthusiasm, the minister was completely preyed upon—not *prayed* upon, that would have been good; but p-r-e-y-e-d upon by these parties. They took advantage of his enthusiasm, his desire, and his congeniality. I hope that at the end of the day the minister can learn the lesson he deserves to learn from this project. Not only the minister, but the rest of us can learn that when we have this kind of business we cannot rely on the old gentlemanly way of shaking hands. We can shake the hand, but we have to have our people lined up as supervisors, scrutinisers, people who are going to see that everything is done and that we are not taken advantage of.

At the end of the day . . . look in the gallery, I don't see anyone from CHRM. The minister is lonely. They are conspicuous by their absence. They were even so contemptuous that they wouldn't even respond to some of the requests of the auditor general. There's only the minister. And the minister, even with his six-feet-plus, shouldn't have to take all this blame. I hope if he meets them, that he gives them a good tongue-lashing to say the least.

There is one thing that gives me some satisfaction. For all the investigation carried out by the Auditor General, for all of the scrutiny, no blame can be laid. No untoward aspersions or comments can be laid at any bureaucracy. Indeed, the only conclusion that can justifiably be made against the minister is that he was lax, that he allowed himself to be taken advantage of. So, as bad as the situation may be, at least the conduct of the ministry personnel and of the minister is clear of any accusation that would bring them any major embarrassment and cast any doubt on their integrity and their honesty. That is the one good thing that we can hold on to.

But, by the same token, we cannot say that the minister does not bear some responsibility. He should reflect on the fact that the situation could have been worse. He could have allowed his ministry personnel to be placed in an invidious position through his lack of supervision, his being so trusting allowing these principals the leeway that he allowed.

In commenting on the business of the loan from CDB, the Auditor General said on page 52, paragraph 3.23, **“There have been a number of difficulties associated with obtaining reimbursement of project expenses from the CDB. Some claims were not fully reimbursed for a number of reasons including ineligible or inadequately supported expenditure, expenditure incurred prior to the approval of the loan and expenses relating to the QE II Botanic Park.”**

That highlights a glaring weakness and inconsistency. Why were expenses incurred prior to the approval of the loan? That doesn't speak well for sound financial practice. And yet I have to come back to this point: I often hear the Minister of Tourism and the Minister of Education—the Leader of Government Business—saying that they are the most eminently qualified people to lead the country because they have the experience and the qualifications.

Is this the behaviour of someone eminently qualified? Should I incur expenses prior to the approval of a loan? No, a thousand times no. Who is going to be responsible? No budging until the loan is approved. If the loan is not approved no money can be spent on that project. Why did the Minister of Tourism allow himself to be placed in that position? Could these parties not wait? No!

Do you know what? They saw a situation and decided to take advantage of it. They knew that there were certain weaknesses. They knew there was an enthusiasm, a need to complete this project. They realised that this would have enhanced the political status of the minister. But they didn't care about the minister, as is obvious. They are gone from this jurisdiction. They had no other obligation than to do the work and collect the money, even if some of it was collected under the guise of shoddy invoicing. They're gone. And now the minister has to take the heat in an election year.

Some contracts were not tendered in accordance with the bank's published guidelines. The CDB does not reimburse contracts that have not been tendered. Why were they not tendered? The Auditor General doesn't say. But I would like to find out. Why were they not tendered? I hope these are the kinds of answers the minister will give when he gets up to defend himself. He must not sit down under the cloud; these must be crystal clear. It is incumbent upon the minister.

There was premature submission of certain invoices by CHRM and large timing differences between interim payments and completion of works. For example, an invoice of C\$150,000 for fees and the purchase of electronic equipment for operating the multimedia show was submitted and paid in December 1995. Equipment bids were not actually received until 1998. Not even in the creation of crabs would that be accepted as a sound business practice. Pay for something in 1995, but not receive it until 1998? No contract? No Bids?

This whole construction project leaves a sour taste in the mouths of many people. It goes to show that on occasion the best laid plans of men can go awry if we are not careful. The lesson we should learn from this is that advantage can be taken of even the greatest and most experienced person. We cannot afford to let our position allow us to become so arrogant that we believe we don't have to give account at some time.

I stand by the position outlined in this motion. We were very meticulous in putting the motion together because, among other things, we told ourselves that we had to be responsible. We did not want to besmirch anyone's character while at the same time we had a responsibility to bring this pressing matter to Parliament. The fact that we had to wait so long, and that there seemed to have been some reason to evade and avoid this motion . . . because June will have been one year. At times we got the impression that there was a conspiracy to prevent this matter from being aired.

The mover and I had many discussions. As I recall, we drafted and we redrafted the motion, and we sought advice outside of ourselves and our circle because we wanted to be fair but stern. So, I stand by the position in

the resolutions, and I believe that we should vote for a technical audit to see if this matter goes beyond what the Auditor General said.

Why was the Auditor General refused certain documentation? Certainly, that does not bespeak of transparency and a willingness to be accountable. I believe that the people should get a true and proper accounting of the money. The public deserves to know. I am admitting again that the finished product is one that we can be proud of. I have visited there on several occasions. I am proud of the project. I am proud that it is in my constituency.

What I am not proud of is the way the construction project was handled. I want the minister to understand that I am not casting any aspersion on his ability, generally speaking. But in this case, he is at a serious disadvantage. I am waiting to hear how is going to extricate himself from this embarrassment.

My position in regard to the querying of the construction of this project has nothing to do with the many of my constituents who find employment there. I am not advocating any closure. I am not advocating any laying off of staff. I support the ongoing operation. What I would like to understand as a representative is why the construction project wound up this way. Where did it go wrong? Why is the minister cast in this bad light? That's all the motion is asking.

In so outlining and advocating that position, I am confident that the call of the Leader of Government Business will not be heeded by the sensible people of Bodden Town. The sensible people of Bodden Town have come to me—many of them—and said that they would like to know why these things happened. They are asking me to try to find out, because it just doesn't make sense for this project to be administered in this way by a senior minister with a longstanding record in the civil service. That is the question that begs an answer.

**The Deputy Speaker:** There are five minutes before the hour of adjournment.

Before I request a motion for the adjournment of this honourable House, I would like to let honourable members know that the Speaker told me this morning that he hopes to return on Wednesday. So, just in case I am not in this chair on Wednesday, I would like to thank all honourable members for the respect they have paid to the Chair during the time I have been seated here.

I will now entertain a motion for the adjournment of this honourable House.

## ADJOURNMENT

**Hon. Thomas C. Jefferson:** Madam Speaker, I move the adjournment of this Honourable House until 10.00 AM Wednesday.

**The Deputy Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM Wednesday. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AT 4.22 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 12 APRIL 2000.**

**EDITED  
WEDNESDAY  
12 APRIL 2000  
10.30 AM**

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

*[Prayers read by the Second Elected Member for Bodden Town]*

**The Deputy Speaker:** Please be seated. Proceedings are resumed. The first item of business this morning is Administration of Oaths or Affirmations. The Oath of Allegiance is to be taken by Mr. Samuel Bulgin, Solicitor General, to be the Acting Temporary Second Official Member

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**Oath of Allegiance  
(By Mr. Samuel Bulgin)**

**Mr. Samuel Bulgin:** I, Samuel Bulgin, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**The Deputy Speaker:** Mr. Bulgin, on behalf of all honourable members, I welcome you to the Legislative Assembly for the time of your service. Please take your seat as the Acting Temporary Second Official Member.

Presentation of Papers and Reports. Cayman Airways Limited Financial Statements as of 31<sup>st</sup> December, 1998, to be laid on the Table by the Honourable Minister of Education, Aviation and Planning.

**PRESENTATION OF  
PAPERS AND REPORTS**

**CAYMAN AIRWAYS LIMITED FINANCIAL  
STATEMENTS AS OF 31<sup>ST</sup> DECEMBER, 1998**

**Hon. Truman M. Bodden:** I beg to lay on the Table of this honourable House the Financial Statements of Cayman Airways Limited as of 31<sup>st</sup> December, 1998.

**The Deputy Speaker:** So ordered.  
Do you wish to speak to the report?

**Hon. Truman M. Bodden:** Yes, thank you.  
This set of accounts shows several very important things in relation to Cayman Airways. These are audited accounts that show that the loss incurred in 1998 has reached a low of \$972,791. I believe it is the first time, maybe only the second time in the past decade, that Cayman Airways loss has been reduced to such a low and tolerant figure. This is after the government subsidy

of C1\$4 million that is the same amount that has been paid for the past eight years. There has been no increase in that subsidy.

There has been the sum of C1\$600,000 or C1\$700,000 in two years that was put in in relation to the advertising for the airline. Other than that, we have been able to hold the annual subsidy to what it was eight years ago. Since that time, the amount of revenue has increased tremendously. It is in the area of C1\$300 million now. Therefore, this amount (which is probably C1\$700,000) is really a small amount. And even the \$4,700,000 is a very small amount when compared to the overall budget, and small when you look at the subsidies that go out in so many other areas. I can't remember exactly the total, but it is somewhere in the area of \$50 million or \$60 million in total for all subsidies and free services.

Cayman Airways has actually shown improvements. These have come about at a time when Cayman Airways is paying for its jets. We would have had payments on the two jets, and this went to the government's subsidiary companies. So this could have been increased if the jets had been owned by Cayman Airways by some \$2 million that went out in leases to the companies owned by government less the cost of those jets for maintenance and other reserves.

This is in sharp contrast to the accounts of 30<sup>th</sup> June 1991 when the net loss for the year was \$14,310,056. Its contingent liabilities at that stage were in the range of US\$107 million. That contingent liability has been drastically reduced, as well as the court judgments that were against the company at that time abroad, such as in the United Kingdom and the United States. They were not small judgments.

In 1991, we changed from the 727-200s, which were then relatively new jets. The government that made the stupid decision to sell the jets got \$12.4 million and it was spent by Cayman Airways by the end of 1991. So all the equity built in those two jets was spent in less than a year. They plunged to \$14.3 million in losses.

So, while things are not all well with Cayman Airways (and indeed I would have liked to move into a profit), every small island country subsidises its airline, whether it's Air Jamaica or one of the eastern Caribbean companies, or in instances such as St. Kitts and Turks and Caicos a direct subsidy in the millions has been paid to American Airlines which, in the event of the strike about a year ago, would have left both of those countries without any airline to the outside world—a position that could totally cripple the country. In fact, we would still have had our jets running during that strike as they would during a hurricane, any other natural disaster, or any other time the Cayman Islands or its people needed it.

In fact, when we were called by one of those countries in trouble, we said if at all possible we would keep a link between Turks and Caicos and the United States, rather than see another Overseas Territory go down, which we could have done with the flights and chartering we were doing during that American Airlines threat of strike that was averted at the end. But the Caribbean flights were withdrawn because American Airlines had a duty to the United States of America—not to the Cayman Islands. The duty of Cayman Airways is to the Cayman Islands.

The accounts in 1998 show an improvement of \$1,178,595 over the audited results for 1997. There is nearly a \$2 million improvement. There have been problems in recent times with the scheduled checks on the aeroplanes, which we all know. But, thank God, two of the jets are now back and operational. We hope to have the third jet transferred from the US registry to the Cayman registry this week, and also the remaining maintenance that remains on that jet dealt with in the very near future at which time we will have a jet which is additional while running a two jet route. That will enable us to give extremely good backup and Cayman Airways will then be able to go fully back on schedule. If maintenance has to be done on a jet, we have a third jet that can be put in place.

That position will remain over the next few months until we are sure that we can give the public what the public wants, and that is leaving on time from Cayman and the US and Jamaican points that we now travel to.

The public has been very faithful and very tolerant. I am sorry for the delays that occurred during this period. A lot was beyond the control of Cayman Airways. Boeing (which builds the jets) went on strike and was unable to sign certain documents needed for the jets to fly. We were also hurt in relation to getting seats and galleys and the changes we may have been able to make we were not able to because of the truckers' strike in the southern Florida area.

Well, Boeing is back and I believe the truckers are also off strike. We are in a position again to put the time schedules in place. Within the next couple of weeks, I am certain that we will have the third jet in place and there will be considerable improvements in freight and some improvements in the short term in relation to hours of flights and in the long term, considerable improvements.

On the two jets we have removed seats and put a much better pitch. This is something the public was unhappy with. I feel sure that Caymanians and other flying on Cayman Airways will enjoy the extra legroom, which is now equivalent to, or exceeds, other airlines on short haul routes.

Perhaps something not too well appreciated is that the decision to buy the jets rather than leasing them has resulted in a considerable improvement of Cayman Airways' assets. We have paid off considerable loans on the first jet we purchased, over \$5 million. We have been able to repay the bank, and all that is owed on the purchase of that jet is US\$602,714.50. The jet registered as

CAL is nearly bought. That is quite an achievement, one that should not be taken lightly. If we owned the 727s that were sold in 1991, Cayman Airways would have been in a profit at this stage. I have no doubt in my mind. As you know, we opposed that sale very vigorously, but the government of the day did it.

That jet was valued by a US valuation company at the end of 1998 at \$7,943,000. So, when this loan is repaid and we have just done upgrades to engines, we hushkitted it to comply with the US, then we will have a jet valued at nearly US\$8 million and less than C\$5 million is still owed. I believe that will probably be just about totally repaid this year.

Along with that, we purchased the second jet, and, at present, the loan on that is US\$5,078,634.10. At the end of December 1998, it had a value of \$8,805,000. We have also upgraded the engines of that jet which was a further \$1.2 million extra. So, we have \$7.5 million equity in the first plane, and at present we have \$4.8 million equity in the second plane which is about where we were—and this is ironic—with the equity in the two 727-200s in 1991 when they were sold. I hope that history never repeats itself in that respect. Anyone in his right mind who has purchased, should never go back to the disastrous days of leasing and the high cost involved with what was the fancy of the day—new jets that were worth probably \$30 million flying here, there and everywhere. The public paid very dearly for jets they would never own. We were able to lease three 737-200s for the cost of one 737-400.

That is one good note, and if this government leaves Cayman Airways with nothing else, we have definitely put them on the right path there. But a lot needs to be done in Cayman Airways. There still has to be an understanding among the staff that it has to be profit-driven. The airline business is a fickle business. Unless substantial reserves have been built up, in a bad year Cayman Airways can lose millions and millions of dollars—as it did in 1991, \$14 million. That is something that could totally destroy the company financially.

I thank the Chairman of the Board and the staff for their dedication. We have good staff there. But, the move has to continue to be toward driving the revenue up and retaining and reducing the cost of running the airline. It's the only way we can survive in the airline business.

For the first time in many, many years, we have reached a stage where the difference between assets and liabilities shows only a deficiency of US\$5,750,000. In other words, on the balance sheet of 1998, if assets were sold and liabilities repaid, the deficiency stands at only US\$5.7 million. Back in the 1990s we were looking in the area of \$19 million or \$20 million that government would have to pay out.

I think also important is that with the payments of some \$50,000 per month, and I know that members of this House laughed at paying \$50,000 on an overdraft that was originally \$10,143,264, and some of it was put on loan, and we have reduced that loan, and paid all the interest on it. This is past debt I am talking about, debt we inherited. At that time, and I think we were paying the

loan down at \$50,000 per month, at the end of 1998 the overdraft stood at \$243,222. The loan would have been paid down considerably. At the end of 1998, the residue of that loan together with the payments on the hushkits was \$3.4 million. So, the debt has come down considerably.

But I want to stress that Cayman Airways has to continue to move towards achieving a profit, at least to reduce losses. This year is going to be difficult because of the high cost of hiring in during the time the two jets were out waiting on Boeing and others to certify them so they could fly.

In conclusion, I think that while the airline business will always be a struggle, we are getting much closer to seeing some financial stability within the airline. I would like to stress the one thing that is never compromised, that both the board, our acting managing director, our general manager, the team and I have always stressed is safety. That is of first importance and Cayman Airways has an impeccable record in regard to the safety of its aircraft. That is why we leased, to ensure that the very heavy and long checks necessary on these three aircraft were carried out and we took all the time necessary to ensure that these regular maintenance checks were carried out.

I would like to end by asking the public to please continue to support Cayman Airways. It is our airline. I have only flown Cayman Airways, and I can make that statement without fear of any challenge, on the routes it flies. Both the government and members of the backbench have full support of Cayman Airways. I believe, along with the staff doing its bit assisting the airline to move forward, that Cayman Airways will continue as a very important and vital business to this country.

**The Deputy Speaker:** We move now to Other Business, Private Members' Motions. I would entertain a motion for the suspension of Standing Order 14(2) to enable this House to debate Private Members' Motions on a day other than Thursday.

The Honourable Minister for Tourism, Commerce, Transport and Works.

#### **SUSPENSION OF STANDING ORDER 14(2)**

**Hon. Thomas C. Jefferson:** I rise to move the suspension of Standing Order 14(2), under Standing Order 83, to allow the Private Member's Motion debate to continue.

**The Deputy Speaker:** The question is that Standing Order 14(2) be suspended to enable this House to debate Private Members' Motions. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 14(2) SUSPENDED.**

**The Deputy Speaker:** Private Member's Motion No. 6/00 as amended. Continuation of debate thereon. Does any other Member wish to speak?

The Second Elected Member for the district of Bodden Town.

## **OTHER BUSINESS**

### **PRIVATE MEMBERS' MOTIONS**

#### **PRIVATE MEMBER'S MOTION NO. 6/00 AS AMENDED**

##### **INVESTIGATION INTO THE PEDRO ST. JAMES CONSTRUCTION PROJECT ACCOUNT**

**Miss Heather D Bodden:** Thank you Madam Speaker.

I rise to offer a short contribution to Private member's Motion No. 6/00 as amended, Investigation into the Pedro St. James Construction Project Account, brought by the First Elected Member for George Town and seconded by the Third Elected Member for Bodden Town.

Allow me, Madam Speaker, to begin by saying this is one project I fully support in several ways. First it happens to be in my district and I also have very close family connections to Pedro St. James. You see, Madam Speaker, Pedro Castle was owned by my grandfather the late Tom Jackson back in the 1950s and he was the gentleman that sold it to the late Tom Hubbell for a mere £100 or in those days US\$280. So, I trust that everyone will understand and appreciate just how much significant value this place holds for me therefore my contribution will come directly from the heart.

When I was elected back in 1995, this was the project I became actively involved in. Realising what this would mean for the district and for my people, I longed for the day when it would finally be completed and jobs made available to my people close to home. To have something of this magnitude in one's community truly makes one feel proud that we finally have a tourism attraction in Bodden Town. But, this is so much more. This project embodies our history and our heritage. Knowing this project would be promoted as the birthplace of democracy and that there is so much history within the walls and the immediate surroundings of this Castle, I know everyone appreciates the Minister for his efforts in preserving this landmark and for turning it into a tourist attraction.

I clearly recall as a young child waking up one morning to hear that Pedro Castle had been burnt down during the night. I clearly remember everyone in that community feeling sad that such a horrible thing had happened. For many years it stood in shambles and looked very run down and decrepit. Today this landmark has been restored and transformed into a very beautiful, historical and educational site not just for the people of Bodden Town but for the entire Cayman Islands to be proud of.

I recall last year's week long Commonwealth Parliamentary Association (CPA) Conference held here in the Cayman Islands where members of the CPA took an island-wide tour, including a visit to Pedro St. James Castle. As they left the bus they were so taken back by the beauty and landscaping that at times these people stood in awe. I remember them looking out over the wide-open sea of Pedro Bluff and saying what a magnificent view. Madam Speaker, a visit to the Multi-Media Theatre leaves one spellbound. Hearing the thunder, seeing the lightening flash across the room and hearing the rainwater run down the old guttering makes one feel they have indeed taken a step back in time. It is so magical and captivating that one almost feels as if one were at Disney World.

Madam Speaker, just last month when HRH The Duke of York, Prince Andrew, paid a visit to the Cayman Islands, it was on the great lawn of Pedro St. James he met and greeted every Member of this honourable House, although each and everyone of us will recall it was a bit warm that afternoon, it looked as if someone had picked the Pedro St. James Castle's lawn out of a magazine. The Prince toured the Castle and was very impressed with what he saw and remarked that indeed that was money well spent.

Madam Speaker, like everyone else, I clearly understand the intention of this Motion. But, one must realise that although some things happened that should not have happened, there is no reason to doubt or question the integrity of the Honourable Minister of Tourism—who is very capable and professional, and who has given thirty unblemished years to the people of these Islands. He and his staff have worked long arduous hours to ensure that this project was completed and opened on time. I believe it is a matter of national pride to have an outstanding historical attraction of this calibre in the Cayman Islands. There is nothing else like it here.

I attended a meeting that took place with the technical team from the Caribbean Development Bank and I can attest to their enthusiasm and support for this project. They were willing to hold on to the end as they felt that they had indeed uncovered a significant piece of history. I would encourage other Member of this House to take a similar view in reviewing this project.

In closing Madam Speaker, although this motion is to place doubts in the minds of the people of possible mismanagement by the Honourable Minister of Tourism of the Pedro Project, is totally unfounded and unfair. What I think should be taken into consideration by each and everyone in this honourable House and the listening public, is that Pedro Castle came in under the cost by Caribbean Development Bank which must be one of the few projects in Government ever to come in under cost.

With that Madam Speaker, I thank you very much.

**The Deputy Speaker:** Does any other member wish to speak? The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I rise to offer my contribution to Private Member's Motion No. 6/00 dealing with the Pedro St. James Project.

Let me start by quoting some excerpts of the [unedited] *Hansard* of 10 April 2000, and the remarks made by the Honourable Minister responsible for Education, Aviation, and Planning in respect to the Honourable Minister for Tourism, Commerce, Transport and Works, and it says, with your permission—

**The Deputy Speaker:** Honourable Member, may I have a copy of that *Hansard* please?

**Mr. John D. Jefferson, Jr.:** I will be happy to give you a copy, Madam Speaker. Do you want it now?

**The Deputy Speaker:** I would prefer to have it before me if you are quoting from it.

**Mr. John D. Jefferson, Jr.:** Well, if you will give me a minute, I can get it photocopied.

(Pause)

**The Deputy Speaker:** Honourable Member, you may continue.

**Mr. John D. Jefferson, Jr.:** Thank you.

The portion that I would like to quote is as follows: **“The Minister of Tourism has given his life to this country. He has worked in government endlessly and tirelessly. And, most important, he has had the finances of this country throughout the important time when it was so crucial to have a Financial Secretary of his calibre managing this country's finances. He was succeeded by another very good Financial Secretary and we have to be thankful to these two men for keeping this country stable and properly managing it.**

**“It is unthinkable to believe a man with three decades of properly managing and bringing this country to where it is now has to face at this late stage allegations of mismanagement which are totally unfounded.”**

That is why I personally am so disturbed in regard to this issue that we have been debating for the past three days. If this incident had been highlighted in the Ministry of Community Development, or the Ministry of Agriculture, or even the Ministry of Health, I could have said they really didn't know any better; but the Minister of Tourism (who happens to also be my uncle) . . . so it is very difficult for me to stand here and raise doubts or concern that may be connected to one of my family members.

Just to expand on what the Minister of Education had to say about the qualifications of the Minister of Tourism, my information is that when the Minister of Tourism was a civil servant, he served as Financial Secretary for 12 years. I think I am correct in that. It is also my understanding that the Minister of Tourism—the for-



mer Financial Secretary—was also the architect of the Financial and Stores Regulations calling for all contracts in excess of \$100,000 to be secured by the Central Tenders Committee. In other words, through competitive bids. I agree 100% with these regulations. It allows government to determine value for money.

Like I said before, the Minister of Tourism knew the rules. So in my mind, there is no excuse for what we are dealing with today in regard to the Pedro St. James project that falls under the Minister of Tourism. He knew the rules. He knew how important it was to ensure that government got value for funds spent. I can't understand why he would be the architect of the rules, but feel that his ministry was not subject to those rules.

When I look at the information highlighted in the Auditor General's Report on Pedro St. James (and I can't even recall what Mr. John Stewart looks like, the owner of CHRM who was employed by government to carry out the work at Pedro St. James), I read there was not one contract associated with this particular project that was subject to the tendering process, including the contract appointing CHRM as consultant of the project. As I understand it, the Historic Sites Committee through its own inquiries came across this particular firm, that came highly recommended in the area we needed this speciality in. The Ministry of Tourism took a paper to Executive Council appointing the consultant.

That would have been bad enough, because it probably could have been justified because the firm was expert in that area. They could have gone through the tendering process. But at the end of the day, they would have come back to that firm because according to their information that was the firm they needed for this project.

But as we read, after that it was all basically down hill. If I had a consultant who was there to advise me on the difficult aspects of a project of this nature, for example the multimedia section of the project, I would have gotten him to go out and identify a number of firms in a position to offer this specialised service. I would have gotten the curriculum vitae on those companies and based on that information had the Minister of Tourism make the selection as to who got the multimedia contract.

There's no evidence that was the procedure taken. As I read it, what happened was that CHRM came back to the ministry and said, *'We have identified two firms: Steve Shaw Production, and another. Based on what we have researched about these firms, we recommend that Steve Shaw be recommended this contract.'* Based on that information, a paper was taken by the ministry to Executive Council with a recommendation of CHRM for the appointment of Steve Shaw Production to handle this particular contract.

When the Auditor General went in to do his audit of the project, there was only evidence of one firm. That firm was Steve Shaw Productions. If you are recommending two or three firms, you must have basic information made available to the ministry on the firms that you are recommending. But they could only find information on one firm—Steve Shaw Productions.

That begs the question why. Why was CHRM recommending Steve Shaw Productions for this specific contract? What is the connection between Steve Shaw Productions and CHRM? Were they buddies? Were the principals of CHRM also principals of Steve Shaw Productions? Those questions beg to be asked because of the lack of evidence to the contrary.

**The Deputy Speaker:** Would this be a convenient time for the morning break?

**Mr. John D. Jefferson, Jr.:** Yes, Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 11.30 AM

#### PROCEEDINGS RESUMED AT 11.52 AM

**The Deputy Speaker:** Please be seated. Debate continues on Private Member's Motion 6/00 as amended. The Third Elected Member for West Bay, continuing.

**Mr. John D. Jefferson, Jr.:** When we took the suspension, I was dealing with the subcontract for Steve Shaw Productions (SSP). It is very confusing information concerning this particular contract. Let me just point out a few difficulties. The contract for SSP was for \$611,800. When this was being discussed between CHRM, I guess, and the Ministry . . . and taking into consideration that CHRM and SSP are both Canadian companies, no one according to my information had the smarts to even question the currency of the contract. That's significant because if it's \$611,800 Canadian dollars compared to Cayman Islands dollars is significant. If it's US dollars compared to CI dollars, it's significant.

Just yesterday I did a quick calculation. The Canadian dollar to the CI dollar was .53. If you apply \$611,800 Canadian, and convert that to CI Dollars at the rate of .53, the difference between assuming the amount is in CI dollars, compared to Canadian dollars is approximately \$257,000 CI. The ministry didn't question it; CHRM didn't volunteer what it was, even the paper that went to Executive Council did not name the currency. It was assumed that the contract amount quoted was in CI dollars.

This error was subsequently confirmed—not an error, Madam Speaker, an intentional attempt to deceive was later confirmed by Mr. John Stewart of CHRM that the Steve Shaw Production contract for \$611,800 was actually Canadian dollars. But government paid CHRM for this particular contract 611,800 Cayman Islands dollars. That is a difference of CI\$257,000 as overpayment.

It gets a little confusing at this stage because in the Auditor General's Report of 1998 on page 42 says, **"A contract was subsequently entered into between CHRM and the sub-contractor in October 1995 for CI\$430,800, including \$49,000 for expenses."** I assume this reference is in regard to the contract between

CHRM and SSP. In that \$611,000 was a budgeted equipment element of \$190,000.

One of two things happened: Government paid CHRM CI\$611,800. In addition to that, the consultant fees to CHRM amounted to \$183,750. But the \$190,000 element of the contract was not actually done by SSP. That element was further awarded—not tendered—to another company to complete by CHRM. So any way you cut it, CHRM received from government in excess of what they should have on this particular project.

When, in a subsequent meeting, this question was raised in regard to the currency, Mr. John Stewart said “Oh yeah, it was Canadian dollars. The contract sum of \$611,800 was Canadian dollars. The reason I charged government CI\$611,800 was because in order to give me sufficient money on exchange to cover the consultancy part of my contract.” Even if that was the case, he was still overpaid by CI\$73,250.

Personally speaking, I don't think that's the way it went. I personally think that he received CI\$611,800 and paid SSP the \$611,800 Canadian, and the question is what happened to the difference of CI\$257,000? Maybe the minister can explain, but I have a difficult time reconciling that difference.

Just so no one will draw the conclusion that I made that particular point up, that is CHRM's confirmation of the funds being in Canadian dollars, with your permission . . . I don't know if you want me to maybe give you a copy of this as part of our brief on Pedro St. James. We were given copies of supporting documentation or correspondence between the parties involved. This particular document I would request permission to quote from is a memorandum between the Principal Secretary of Tourism from the Chief Engineer.

**The Deputy Speaker:** Honourable Member, if I may. I have difficulty accepting that paper until the PAC Report is made and it's attached to it. Right now the only thing that's been made public is the Auditor General's Report.

**Mr. John D. Jefferson, Jr.:** I really don't have a difficulty with that. I don't have to read it. But that document confirms exactly what I have said.

I heard one member on national television say that there was some concern over weaknesses highlighted, but there was no evidence of fraud. That was the gist of the quote. In just this one contract I highlighted, there is a questionable difference of CI\$257,000. You can assign whatever definition you want to that. To me it is evidence of wrongdoing, not necessarily by the ministry, but by the consultant, CHRM.

Where the minister went wrong was . . . and like I say, I can't even remember what the man looks like. I think he came here early in our 1992-1996 term and gave us a presentation on the project. But it is evident from what has been highlighted that the man is a charmer. Basically, the evidence shows that he took advantage of the Ministry of Tourism on this project to the extent that he starts out as consultant (and that is the role he should have maintained), in a position to offer his

expertise in regard to the historic development of the project, and maybe even the technical side of it, but from the standpoint of an advisor.

And the excuse was given that PWD didn't have the expertise to serve as project manager in this particular project, even though later on when things broke down PWD was brought in to finish it because of the mess and delays. What happened subsequently was that CHRM, in the man of John Stewart, convinced the ministry to appoint him not only as consultant but as contractor and he assumed the role of project manager. What that did was eliminate whatever checks and balances were in the system.

That gentleman got the contracts, the landscaping contract for example, and this is where I have a problem. There is no evidence if in the initial stages the ministry sat down with CHRM and said, *'Okay, we are going to award you the overall contract. Caribbean Development Bank is saying that it's \$9 million, or \$8.5 million or whatever, we are going to award you the contract and you are then solely responsible to see that the work is done.'* Then up front government would know what its commitment is. But that's not the way this project evolved. Costs were incurred as they went along.

All CHRM did as contractor . . . the difficulty also is that here you have in the main contract with CHRM the requirement that CHRM also do the accounting for the project. In other words, payments made and that type of thing, to whom and for what. So the ministry not only appointed him as contractor and project manager and in some cases subcontractor, but they also relied on him to do the accounting for what was spent. It totally eliminated all checks and balances in the system.

As a result, what CHRM did on these particular contracts was go out to whoever it was and say *'I got a contract for ya. I'll pay you \$60 per day for this portion of it to provide the labour.'* He then added something like \$30 on top of that, and submitted it to the ministry for payment. They didn't even check it. They had a stamp. They stamped it and sent it out to Treasury saying, *'You take care of it. You account for it. If he submitted it it must be true.'*

On the landscaping contract, the amount agreed on was CI\$357,000. I have a problem with that. Do we need to bring in an expert from Canada to supervise a landscaping contract with all of the local firms we have here with expertise in this particular area? That's where the ministry went wrong.

That particular contract ended up costing government over CI\$600,000. It was for \$357,000 and ended up costing over \$600,000. That would be bad enough, but Mr. Stewart had provided government with plans for landscaping, what it would consist of—a whole presentation. After he got the contract he did less, first of all, than he said he was going to do. And he also changed what became a part of the landscaping.

For example, in one particular area there were a number of proposed plants. He totally omitted the plants and put grass, or some other thing. But he was still paid according to the contract. So he did less, and govern-

ment ended up paying him over \$600,000 for a \$357,000 contract.

The weakness in the system is that whenever there is a contract . . . and we know how it works. If we arrive at a figure, a contract price for whatever the task may be, if after the contract is signed we decide that we want to add something to the contract, that calls for the contract to be adjusted by the amount the additional work will cost. I request it, the contractor and I get together and arrive at the additional cost, and we go on. But there's no evidence that this took place in regard to this particular contract with CHRM.

I believe that the reason government ended up spending \$600,000 dollars on a \$357,000 contract was because the Ministry didn't do any accounting, Treasury was not responsible for any accounting, and the Ministry totally relied on the integrity of Mr. John Stewart of CHRM to only present invoices that were justified.

I am not an accountant. But if I were responsible even I would have enough common sense to say let's set up a rough accounting for this particular project in my ministry. At the top I would put \$357,000 for landscaping, and as these invoices were presented for payment, I would deduct those payments from the original amount. So at some point when Mr. John Stewart comes with an invoice, I could say, *'Wait a minute. According to my records we already paid you \$357,000 according to my records what are the extra invoices for?'* The ministry did not have that ability. Not good at all, Madam Speaker.

The direct labour agreement, again \$318,000. Not tendered. And CHRM is assigned the privilege of supervising that particular aspect of the project. Once again, arrive at a figure, submit invoices and get paid in excess of what was agreed upon.

Let me just read from page 43 of the Auditor General's Report. In regard to the direct labour agreement he says, **"The Audit Office is fully satisfied that gardeners were paid at the rates specified and we are satisfied that the work paid for was actually performed. However a number of invoices examined do not appear to comply with the cost uplift of \$30 per day [that's what was added on as a management fee by CHRM] and it is estimated that an additional \$30,605 has been paid to the contractor/consultant."**

Once again, all they did was contract a couple of common labourers to do the work pay them \$60 per day and add another \$30 on top. That's what they agreed on, but here the Auditor General is saying there is \$30,000 unjustified. Not good, Madam Speaker.

I can't recall ever meeting John Stewart, but in my opinion, he was not a man of integrity. He was a con-artist. I recall reading in one of the contracts that CHRM was responsible for doing the auctioning for these projects. In the Auditor General's Report on page 46, paragraph 3.14 it says, **"The Consultant told the Audit Office that the Ministry of Tourism was responsible for maintaining project records. The Consultant stated that the Ministry decided to remove bookkeeping services from the Consultant's contract and as-**

**sumed it in-house."** Now, he got paid for doing the accounting, but he didn't do it.

It says, **"The consultant was contracted and fully compensated to provide the various services of project management."** Including the accounting for the projects.

Let me just highlight a few of the differences that took place on these particular contracts. On page 47, under figure 3.2 Pedro St. James Landscaping Contracts/subcontracts. It says here:

| <b>Sub-Contract</b>             | <b>Contracting Parties</b>                           | <b>Contract CI\$ (1)</b> | <b>Invoices CI\$ (2)</b> |
|---------------------------------|------------------------------------------------------|--------------------------|--------------------------|
| Hard landscape, trees, planting | CHRM as agents for the Government and sub-contractor | 90,000                   | 150,965                  |
| Stone Walls                     | CHRM as agents for the Government and sub-contractor | 50,000                   | 61,829                   |
| Plant Material                  | CHRM & sub-contractor                                | 149,152                  | 194,974                  |
| Labour                          | CHRM and Government                                  | 50,400                   | 51,517                   |
| Material and rentals            | Various local suppliers                              | 18,150                   | 18,150                   |

Of all of those different elements of that landscaping contract the only one that was invoiced for what was agreed upon was the \$18,150 for materials and rentals locally. That is just an example of what went on between CHRM as contractor and the Ministry of Tourism.

Madam Speaker, one of the other sub-contracts that was awarded to CHRM was the irrigation system at Pedro St. James. This particular service amounted to CI\$35,610 excluding in-house labour cost. He charged \$35,000 excluding the labour to install it and, at the present time, the irrigation system at Pedro St. James is totally non-functional. I understand what they are doing now is that they are using a hose to water the landscaping.

So, a lot went wrong with regard to the handling of this particular project. Now, Madam Speaker, I was trying to think of another major government contract that was performed during my tenure here in the Legislative Assembly, which is now at the end of 12 years. The one contract that came to mind . . . and we have to keep in mind that this particular contract for this project amounted to a total of Cayman Islands eight point something million according to the ministry. Madam Speaker, the contract that I thought of was the contract that was handled by the Minister of Health for our new health service facility, that is, the new hospital.

That particular contract was in the region of, I think CI\$30 million. I think it is probably about two to three years since we have finished that particular project but do you know what happened? The Minister of Health does not have the (should I say?) financial and accounting background of the Minister of Tourism. Neither the Auditor General or any other soul has raised one irregularity with regard to that contract. Do you know what? It was done according to the rules. It went through the tendering process. It was awarded to one of the major con-

tractors locally so government knew going in what was involved by way of a commitment with that particular contractor.

The contractor then did exactly what I was saying—went out and sub-contracted a lot of the services that were associated with this particular project. But Government knew up front what those costs were. The project went through the proper tendering process and as a result . . . I mean some people raised the issue that it was a lot of money. But we knew up front what it was going to cost. The Minister was very honest, he said, “He is what the projects are and if you are prepared to support it then fine” and we made a decision that we would, Madam Speaker. It went to tender and the project was completed and we now have a facility that we are proud of. But more than that, it was handled in the proper manner in regard to the tendering process.

Like I said, Madam Speaker, I have not heard one question raised with regard to the way that particular project was handed.

Let me get off the contracting side of Pedro St. James and let me deal with another concern I have, and that is the future financial viability of that project. Madam Speaker, things went wrong in the past. Hopefully, we can get beyond that. But the concern I have is the financial viability of that project.

Madam Speaker, as you are aware, we had a PAC meeting the other day on this particular issue. One of the questions asked was: What are you doing with regard to ensuring that the project is in a financial position to carry itself in the future? I remember as Chairman mentioning certain things that I thought should be done. The response was, “Well, you know, we are watching cost.” Watching cost at this stage with the abuse that took place during the contracting side of it?

You know, we get what we pay for. Because I am fair, I must say that I have been to Pedro St. James on two or three different occasions. It is a first class project and no one is disputing that. That is not the issue or concern. It is a first class project that I think the people of the Cayman Islands can rightly and justly be proud of. But that is not the issue. The issue is this: That project must be put in the position where it can carry itself financially. You and I know what I am talking about.

The forecasts by the CDB on this particular project . . . I think basically what they did, according to my information, they kind of took a look at the Turtle Farm and said, *‘If the Turtle Farm can do it by way of visitors, Pedro St. James can do the same. So let’s take a percentage of the traffic at the Turtle Farm and apply it to Pedro St. James and here is what it should look like.’* According to CDB’s projections (on page 53 of the Auditor General’s Report of 1998) from year one the project was forecasted to make a profit of \$310,000. Madam Speaker, to me if in year one they even just covered costs I would have been satisfied, much less a profit.

In year two, \$566,000; year three, \$743,000; year four, \$862,000 and year five, a forecasted loss of \$620,000. I think it is at that stage when the Tourism Attraction Board assumed the liability for the repayment of

the loan from CDB. Madam Speaker, if that had been realised with regard to this project I would be happy.

The former General Manager of Pedro St. James has been gone now, I think close to a year. No decision has been made to date that I am aware of to replace him. They just recently employed a Financial Controller, and I think that was after the PAC highlighted this particular need. With regard to a Managing/Marketing Manager, I think I read where the Tourism Attraction Board was saying it was being looked at. I believe if I am not mistaken that comment was made in 1997 or 1998, we are in the year 2000, and a proper marketing manager has still not been appointed.

Madam Speaker, what is also disappointing is that despite the projections by CDB with regard to the viability of this project, the operating loss for the financial year that accounts were done, I think was in the region of \$657,000. In other words, the project at the present time is nowhere near even covering its recurrent expenditure. Like I said, the attitude of the permanent secretary of tourism was *‘We are watching expenses’*. Like I said, you normally get what you pay for. If the Pedro St. James project takes a decision or the Tourism Attraction Board takes a decision to appoint a properly qualified marketing manager that would more than pay for itself.

The concern I have is that for many years in the future, if we are not careful, the Minister of Tourism regardless of who that person may be will have to come to this Legislative Assembly for a subsidy for Pedro St. James, which is a project that was forecasted to carry itself financially.

What was disappointing as well was that the comment was not only made with regard to the lack of proper financial controls or accounting but that same weakness has been highlighted by the Auditor General with regard to the operation within Pedro St. James. It says here, **“The entity did not maintain proper accounting records and internal control systems.”**

I recall, when I was in the civil service some years ago, having a discussion with the former Financial Secretary (neither of the two gentlemen who have previously occupied that position) . . . the point I am trying to make is this: In this day and age you do not rely on the integrity of any individual. You have to be in a position where you put in place checks and balances to discourage anyone from doing something wrong. If these are not put in place, those internal controls and checks and balances in the system; if you are taking advantage of it then you deserve it.

**The Deputy Speaker:** Honourable Member, if you are moving on to another subject would this be convenient point to take the luncheon break?

**Mr. John D. Jefferson, Jr.:** Madam Speaker, I have about five more minutes to wind up my debate.

**The Deputy Speaker:** Okay, continue.

**Mr. John D. Jefferson, Jr.:** Let me now try to summarise what I have tried to say for the last forty-five minutes. Personally, I am very disappointed. Let me put it this way . . . and I don't know if I will ever have the opportunity to become a minister on Executive Council but under my watch this could never happen.

You know, Madam Speaker, we have a very strange philosophy in government, that is, the elected ministers. We have a system that basically says, '*you are the minister and with regard to the day-to-day operation you should not get involved.*' Do you know what happens with that philosophy? If something goes wrong under your watch, even though you are not responsible for the day-to-day supervision or the monitoring of those activities, at the end of the day, as minister you are going to be blamed in your ministry for whatever it is.

Do I personally believe that the Minister of Tourism intentionally did anything wrong? No, I cannot come to that conclusion. But it was under his watch that this type of activity was carried on. I don't know how much he was involved. I don't know how much he was informed. But on a project like this, knowing the political fallout if something goes wrong—and I am quite sure he probably did. I don't know . . . every once in a while I would call in my permanent secretary and say '*brief me as to where we are at.*' I'd get a briefing and any questions I had hopefully he or she could answer them and that would be the way I would be kept informed as to what's going on in my ministry.

Madam Speaker, it is also very important for that particular reason that when you become a minister of Executive Council that you ensure because you have the responsibility for making sure things are done that the Governor provides you with the personnel necessary to get the job done. Madam Speaker, you and I kind of think alike. As a minister, if I walked into a particular ministry and I didn't see the support personnel that I though necessary for me to be in a position to carry out what I am responsible for then I have an obligation.

Do you know where we went wrong? I think it was in 1992 after the election when we were talking about the change in the Constitution and that type of thing. There was some little article in the paper saying because the ministers were assuming administrative responsibility for members of staff that was a move in the direction of independence. What a joke! We were silly enough or unwise enough to agree to that being removed from our Constitution.

If a member of staff steps out of line under my ministry, as the minister I have the right then to go and say, '*move him or her because he or she cannot operate under my ministry. He or she is not capable of taking care of the responsibilities.*' A serious charge. A serious responsibility. But you know, like I said, I have never had the opportunity of being a minister. But it appears that something happens to us as elected representatives when we go on that fourth floor. I don't know what it is. I honestly don't understand what it is. But something happens.

If this is going to happen to me I prefer not to have an opportunity to serve as a minister—serious charges, a serious situation. You know, like I said before, I am personally disappointed that this could happen under the watch of the Minister of Tourism—a serious disappointment. The gentleman is qualified. He was responsible, as I understand, for putting in place rules and regulations. So there is no excuse.

There is a little saying: ignorance of the law is no excuse. There is no excuse, he knew better.

Now, Madam Speaker, I trust that the Minister of Tourism can explain all of these weaknesses that I have highlighted. I am a very humble person. I am not one of those individuals who claim not to make mistakes. I have made many of them. But I am gentleman enough to say, I made a mistake; I am sorry this happened under my watch, but I made an honest mistake. Now, most people if you take that approach will say 'well boy, you know, we are all human so we all make mistakes so carry on.'

I am waiting to hear what the minister has to say with regard to this project. Madam Speaker, the whole country is concerned.

I was toying with the idea of whether or not I should speak on this issue because of the relationship between myself and the Minister of Tourism. But I reminded myself of one thing: I recall in a different situation where we were dealing with the prison riot and I came down hard on the Chief Secretary because that was allowed to happen under his watch. As a matter of fact, I went to the extent where I asked for the resignation—

**The Deputy Speaker:** Honourable Member, lets not get into a debate on the prison.

**Mr. John D. Jefferson, Jr.:** No, I am just giving you an example, Madam Speaker.

I have always said that I am here to protect the interest of the people. It doesn't matter if it is the Chief Secretary, the Minister of Tourism, or anyone else that needs to be brought up. I won't say chastise, that is a little harsh. But, hopefully, by highlighting these weaknesses we will avoid seeing a repeat of this type of irregularity with regard to government contracts.

I came to the conclusion that I cannot recall any government contract in my 12 years here that was so poorly handled by a ministry. I cannot. That's what disappoints me. Thank you, Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended until 2.15 p.m.

#### PROCEEDINGS SUSPENDED AT 12.47 PM

#### PROCEEDINGS RESUMED AT 2.28 PM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 6/2000 as amended. Does any other Member wish to speak? The Honourable Minister responsible for Tourism.

**Hon. Thomas C. Jefferson:** Thank you, Madam Speaker.

I am going to begin by asking for your indulgence because I believe it is necessary to set the stage before we get into the details. I believe that the Pedro St. James project was a unique one requiring a variety of specialisation in order to ensure that the historical nature and otherwise in the restoration was accurate to the letter of the law. Having done some research, I want to try to set the stage for this whole matter.

In reviewing some information, I found some data that was done by the Historic Sites Committee. I will go on to explain who they are in a little while, but they did some work . . . and what I am reading from is dated 25<sup>th</sup> September 1990, many months before we even bought the piece of property. It is entitled, *Pedro St. James Castle*, and under the subject of "Cultural Tourism" they made these comments: **"As tourism in the Caribbean becomes more competitive and sophisticated, increasing emphasis is placed on cultural tourism, the development of historic and cultural sites, buildings, and artefacts, as tourism resources. Because the Cayman Islands were not rich, we have very few important structures compared to our neighbours, who have plantation houses, forts and other grand buildings. St. James Castle in Pedro is one of Cayman's very few significant historic structures."**

And we come on to the historic significance of that building and they go on to say, **"Built in 1780 by William Eden, Pedro St. James is the oldest standing structure in the Cayman Islands; a building of incomparable historic value. It was built by slave labour with very thick coral stone walls suggesting that it may have been fortified. Hirst notes that from its exposed position it looks as if such a precaution was very necessary."**

**"When William Eden came to the Cayman Islands in 1765 and Eden Estates, as shown on the 1773 map of Cayman . . . William Eden was a magistrate as early as 1820 and was Custos of the records. As an early public recorder, he will have used this building as the Registry. The building was also used in the early 19<sup>th</sup> century as a jail, a courthouse and, as of 1823, the public pound."**

**"Probably the most historical significant event to take place at St. James Castle was a meeting on 5<sup>th</sup> December 1831, at which the decision to form an elected legislature was taken. Five days later, the first representatives were elected and met thereafter at St. James, as well as at George Town and Bodden Town."**

**"Over the next ten years, various laws were passed and amended here by the magistrates and representatives, who called themselves (after 1837) Justices and Vestrymen. This building is, therefore, a central symbol in the political history of Cayman."**

He also makes some comments about the development of this building as a tourism resource. **"The purpose of the acquisition is to preserve the historic remains, remove the later additions and restore the building to as close as it may be made to its original form as a two-storey manorial home. When restored,**

**the building can be furnished with old furnishings, giving a unique view of Caymanian residential life. Interpretative displays will illustrate Caymanian history and the significance of this building. This will become a premiere tourism attraction located in an area of the island where tourist income is greatly needed."**

**"While this building will be presented as a historic structure with the attendant interpretative displays, it would also be likely to include a snack bar, gift shop and other basic facilities as most similar historic sites around the world do. The actual process of restoration starting with the archaeological research followed by the use of traditional building methods, such as the limekiln and the building of coral stone walls, will form a valuable tourism attraction in itself. If properly presented, allowing tourists and residents the opportunity to observe the process of preservation of the most significant building in Cayman, it will reinforce the view of the Cayman Islands as a country committed to the protection of its cultural resources."**

They also speak about the value of this national park, as they call it. **"The site on which this historic building is located comprised 7.85 acres on the unique Pedro Bluff with approximately 1,200 feet of coastline. The setting of the building on the bluff at Pedro will make it both an historic site and a beautiful park for tourists and residents to enjoy. Cayman is in serious need of national parks both as tourism resources and for recreation of residents."**

**"The park will be landscaped and equipped for a variety of recreation activities including picnic facilities, snorkelling, trails, and access to the excellent offshore dive sites in good weather. This park will be second only to the public beach as a recreation resort. The tourism facilities of the historic structure will also serve as facilities for the park."**

**"Environmentally, the Bluff at Pedro is unique in Grand Cayman in its bluff limestone formation and it is also the only location on Grand Cayman where the White-tailed Tropicbird breeds. Preservation of this breeding ground is also of great importance."**

These were comments put on paper by the Historic Committee on 25<sup>th</sup> September 1990—months before they actually bought the property.

In November 1991, the Government purchased from the estate of the late Thomas Greg Hubble, the Pedro St. James property for \$853,000—and this figure includes stamp duty—located on over 7.85 acres of prime sea-front land with the intent of restoring and developing the site as a heritage tourism attraction. Because of the role Pedro played in the history of the island, the end product must respect the historic integrity of the site while serving as an important education venue for Caymanians to learn more about their history, increase awareness of their heritage and its importance in shaping the century.

I just had a little thought, Madam Speaker, I just wonder, having paid \$853,000 for 7.85 acres (almost 8

acres of land) in 1991, I just wondered what today's value of that 7.85 acres is.

I think it is important for the public to follow what happens on this particular project and that's why I am quoting these dates because I think it naturally flows into completion of what I have to say.

In January 1992 . . . and let me step back for a minute. My predecessor, the Executive Council Member responsible for Tourism, Aviation and Trade, formed the Historic Sites Committee. I believe what I am looking at is the Minutes of the First Meeting on 19<sup>th</sup> December 1991. It talks about the terms of reference: "Committee for Restoration of Pedro St. James."

The membership of the committee—Convenor, the Honourable Norman Bodden; designated Chairman, Kirkland Nixon; members—the Permanent Secretary for Communication and Works and Agriculture, Mr. Gomez; the Permanent Secretary for Tourism, Aviation and Trade, Mr. Watler; the Permanent Secretary for Environment and Education (among other subjects), Mr. Os- well Rankin; the Deputy Director of Tourism, Mr. Hubble; the Director of National Archives, Mr. Pedley.

The community representatives—Mr. Hubert Bodden and the National Trust Historic Building and Sites Chairman, Mr John Doak; the Director of the National Museum, Anita Ebanks; the Chairman of the Museum Board, Noel Bodden; the Chief Engineer, Mr. Donovan Ebanks and Mrs. Dace McCoy-Brown as the Secretary.

It goes on to set the purpose of the committee. **"The committee's primary task shall be the oversight and direction of the restoration of the Pedro St. James Castle as close as possible to its original configuration in order that it be a high quality historic, cultural, environmental/tourism resource for the Cayman Islands. When completed, the site will represent as close as possible a well-kept estate of the era.**

**"The project shall be conducted as much as possible using local labour and contractors with the intent that the final park shall be managed through local management and concessions locally held. The committee shall also review the general environmental and historic resources of the island, recommend and oversee the implementation of improvements to those facilities."** And it goes on, Madam Speaker.

In January of 1992, the Honourable Norman Bodden, the Executive Council Member for Tourism, Aviation and Trade, appointed this historic committee. We have heard some of the people who attended that first meeting and there are other members as well who were not there at the time.

**"Under the guidance of this Historic Sites Committee, a three-phase process was established to achieve the above objective. Phase 1 would deal with the historic research including the archival, archaeological and historic research. Phase 2 would deal with the planning and the feasibility, and Phase 3 would deal with the implementation.**

**"In October 1992, research on the existing structure on the site began using local archival material,**

**memory bank interviews, photographs and other resources. Between February and April of 1992 [and I have jumped around a little bit, Madam Speaker] the Committee advertised locally and abroad and sent out tenders inviting proposals for the consultancy for the restoration of Pedro St. James. Between April and May of 1992, in response to the invites for tenders, proposals were received from sixteen firms and a sub-selection committee was appointed and charged with the responsibility of short listing and selecting the appropriate team of experts. The selection was based on the experience, the feasibility and the creativity of the bidder.**

**"In June 1992, Commonwealth Historic Resources Management Limited, a Canadian based team of consultants, was awarded the contract to conduct a research and formulate feasibility study. The contract was signed by the Executive Council Member, Mr. Bodden, and John Stewart, the principal consultant for CHRM.**

**"CHRM's impressive list of credentials and vast experience included restoration projects in the region such as the Nelson's Dockyard Restoration in Antigua. CHRM offered five principal areas of expertise, starting with planning and research . . ." and in that we talk about master plans for communities historic sites, cultural attractions, research, inventories and evaluation of the cultural resources, and heritage planning policy.**

**"In addition, it also has expertise in the area of architecture and designs which [when we explain it, it goes on] . . . building evaluation, conservation techniques and management plans and revitalisation and rehabilitation of urban centres and historic properties, full architectural services with a speciality in integrating service for historic sites and resources."**

So, I have named two of those five principal areas of expertise.

Another area of expertise is its landscape architecture. Their expertise includes concept development and design for parks, botanic gardens, streetscapes and heritage/tourism sites, environmental design for eco-tourism and cultural landscape, extensive knowledge of historic plant materials. So, I am now up to three of the five. Creative communications, exhibit designs and interpretation from museum and tourism attraction concept development and design of promotional package with a speciality in economic development and heritage tourism, graphic design for all forms of corporate identity including signage. I am now up to four of the areas of expertise.

The fifth, Madam Speaker, might be the most relevant today and that is project management—liaison and facilitation, scheduling and budget sites and construction supervision.

I just want to go back to these Historic Sites Committee minutes because I believe it is relevant (since I appear to be so gullible according to some members about this particular individual.)

When the Committee (in their Minutes of 20<sup>th</sup> February 1992) was dealing with the consultant selection

task force and invitation to tender for general approval, **“Mr. Donovan Ebanks’ concern was that if we don’t limit the number of firms we were inviting they wouldn’t put in the work to make a good proposal especially in the costing.”** That was his comment.

It’s also here that **“Mr. John Doak and Mr. Donovan Ebanks to agree location of fence. Public Works will then do sketch and apply for planning permission. Fence to be erected hopefully before the next meeting.”**

The meeting of 26<sup>th</sup> March 1992, dealing with the consultant selection task force, **“Anita reported progress on a consultant selection process. Despite efforts to keep the list small, there had been so many interested in the project that 32 firms have been sent invitations. Three of the potential bidders have been to Cayman to visit the site and possibly two more are expected.”** Because of the delay in mail, the final response date had been set for 23<sup>rd</sup> April.

**“The task force will meet in early April to sort out the final selection, weightings, et cetera, process. It is planned that they will spend one day reviewing the responses to weed out the obvious deletions and then begin a more detailed process including reference checks to come to the final shortlist. Donovan Ebanks will be recruited to help with this second stage.”**

Then there is another Minute from 13<sup>th</sup> May 1992. **“The consultant selection subcommittee submitted its report on the selection of consultants. Dace Ground reviewed the procedure used to reach the shortlist of two firms, Commonwealth Historic Resource Management and Design Collaborative [I think most members will remember that Dace Ground is the wife of the then Attorney General and a lawyer herself], and then compared the two proposals on seven points of comparison.**

**“Philip Pedley then reviewed his findings from extensive telephone interviews with members of the team and Anita reported any responses she had received to reference checks. The overwhelming choice of the selection team on every score was the team lead by CHRM.**

**“After discussion, the Committee agreed with the selection sub-committee’s choice and approved CHRM as the first choice. It was agreed that there were some issues presented by the fees and proposals but that the best solution was to have John Stewart, the team leader, come to Cayman as soon as possible and negotiate those in person.”**

I want to just read one more, the relevant portions of it. **“The Committee also did a report [that is, the Consultants Selection Sub-Committee] to the Historic Sites Committee at that meeting on 13<sup>th</sup> May 1992.”**

I note that in their report they talk about step one. And that first step was for the committee to read each of the submissions to examine the qualification of the firm or group tendering using the criteria outlined in the Financial Secretary’s guide to the selection and use of consultant.

And then the report goes on to talk about the various persons. At this stage, the selection of the consultant is down to two firms, CHRM and Design Collaborative. This report also points to their views about certain people and they have a statement here, **“CHRM, John Stewart, located in Canada, historic preservation specialist.”** This is the consultant selection sub-committee making this statement. **“We were very impressed with him when we met him and the proposal he submitted indicated that he had been listening carefully and sensitively to the issues and ideas expressed to him.”**

So, am I still gullible? Or is there someone else with a similar kind of opinion about the man!

Madam Speaker, in July 1992, CHRM Project team conducted its initial background study and prepared a business plan and marketing strategy. This process included various research methods such as archaeological history, archival research, the gathering of history and information and photographic material and comparative architecture. In August 1992, the first archaeological dig conducted under the direction of the CHRM consultant, Dr. Mark Haughton, and Dr. Peggy Denton, museum archaeologist, a member of the Historic Sites Committee. Detailed analysis of the material found was undertaken.

Information provided from the structural pieces found included the style of the roofing and flooring which are representative of traditional 18<sup>th</sup> Century Jamaican architecture.

In mid-August of the same year, a workshop was conducted including CHRM’s research team and members of the Historic Sites Committee. All primary and secondary information about the site was presented, and discussions centred on the possibility for development as a tourism attraction.

The contract for phase 1 of the restoration work was signed on 21 August 1992 with the entire job being programmed in three phases already mentioned.

Maybe I shouldn’t leave it as “already mentioned.” The three phases were: Phase 1—historic research including the archival, archaeological and historic research; phase 2 planning and feasibility; and Phase 3 implementation.

September 1992 to May 1993 careful and detailed historic and archival research continued through a combined teamwork and expertise of CHRM and members of the Historic Sites Committee. The research included the collecting of all history and photographic evidence using sources in Cayman and Jamaica, England and Spain. Such research would determine the building’s origin, its relation to similar 18<sup>th</sup> Century buildings found in the Caribbean and the history of familiar associated with the site.

It also included research in the history of William Eden’s family. This research confirmed that the original structure was built in approximately 1780 as a large family dwelling house. The original structure was determined to have an architectural style similar to the early 18<sup>th</sup> Century English-speaking Caribbean structures which we can refer to as great houses.



When I assumed responsibility for the Ministry of Tourism in November 1992, we took a close look at what was going on with the project and decided that it was in the public's best interest to continue to work as the trend of the travel world was eco-tourism, cultural experiences, and also the history of the vacation destination that really attracted them.

Secondly, it was my intention to try to provide more attractions in the Eastern districts which would cause more economic activity in Savannah, Lower Valley, Bodden Town, and in the case of Botanic Park, more economic activity in the Frank Sound, North Side and East End areas.

**"In December 1992, the second archaeological dig at the Pedro St. James site was conducted under the supervision of Dr. Denton and Dr. [?]-Denton at which time concentration centred on the main building and surrounding grounds. Numerous pieces of artefacts were uncovered and are now on display in the resource centre and in the halls of the multimedia theatre.**

**"Early September 1993, phase 1, research and evaluation completed as all of the variables including archival and archaeological, architectural and historical were combined to correlate as much information as possible on the history and configuration of the original building—the site in its historical context in the Cayman Islands.**

**"In September 1993, phase 2 began with CHRM conducting a two-day workshop opened by me. At this stage the Historic Sites Committee along with CHRM using the data gathered in phase 1 discussed the possible options for restoration.**

**"Sources of funding and required management of the site. The possible options entailed: 1) site left as authentic ruins with little development; 2) very little restoration; and 3) major restoration. This option would require large funding. Following lengthy deliberations the committee decided on option 3. As a completed attraction initial intent should be self-financing within a five year period. At [my] request, a special presentation was made to the Legislative Assembly detailing the results of phase 1 research and tentative options for developing the site. The proposed project plans were received [in my words] enthusiastically by members of the Legislative Assembly.**

**"In September 1994 a formal agreement in letter form was signed by CHRM to provide design services and project management services for Pedro St. James and the Queen Elizabeth II Botanic Park, requiring CHRM to work closely with the ministry, the steering committee and the Historic Sites Committee.**

**"In November 1994, Executive Council granted approval for CHRM to be the project manager of both Pedro St. James and the Botanic Park. We were from the beginning of the work assessing which Caymanian staff member we would train to help manage these two projects. In that same month Finance**

**Committee approved funds to cover the first phase of restoring and developing Pedro St. James.**

**"In December 1994 it was formally agreed to train Teddy Ebanks, who is now one of the cornerstones of management at the QEII Botanic Park. Also in December an archaeological programme was established to monitor the site during construction.**

**"In November 1995 the ministry and committee on the advice of the chairman of the Central Tenders Committee caused a submission to be made to Executive Council seeking approval for the contract to be awarded to CHRM as project manager for the final phase 3 of the actual restoration of Pedro St. James and the Botanic Park."**

I notice that the First Elected Member for George Town said this was my ministry's first mistake—to put the submission to Executive Council as Executive Council does not have the authority to waive FSR's only the Financial Secretary does. And the First Elected Member for George Town made a real meal of it saying that this is where it started to go wrong, that Council had no authority to waive FSRs and the argument then led into no checks and balances in the procedure.

I am pleased to say to him that it was not a mistake, as the proper procedure was followed. My ministry did not make the submission to Executive Council as he indicated. The Financial Secretary did the submission and sought Council's input before he, the Financial Secretary, waived the FSRs, which is the proper procedure. So, the information of the First Elected Member for George Town is wrong. The ministry did not make any mistake. The proper procedure was followed. So that part of his argument, to put it kindly, falls on its face.

**"In 1995 the Ministry of Tourism moved the project forward to the implementation phase of restoration of what was then called Pedro Castle. It had already been decided that the castle would be restored to its original design and construction, that is a great house type of building. And in May of 1995, we laid the cornerstone at a groundbreaking ceremony marking the beginning of phase 3 of the restoration of Pedro St. James. About six days later the Ministry of Tourism signed the contract for restoration mason work with the late Caymanian contractor Crawford Dilbert of Master Stone Works. Restoration work began under the supervision of CHRM. The early work began with stabilising the stone core."**

The late Crawford Dilbert provided that top quality work. We thank him for providing us with the benefit of his rare skill.

Many local subcontractors were used to carry out the renovation work on what we then called the "castle." In order to carry out the work to its original design a lot of the material needed to be carefully selected and ordered. A project proposal was submitted to Caribbean Development Bank requesting assistance in financing the development of Pedro St. James.

All of us may recall what it looked like in those early days—shrubby, Almond trees, Tamarind trees, guinea grass, in some places up to two feet high, pedestrian

paths running through it, some leading to the iron shore and, yes a stone structure with an addition on the south which served as a restaurant and was also ruined by fire.

I hold in my hand a photograph of it when it looked decent, that is before the fire with a restaurant attached to the stone core. I will lay this on the Table of this honourable House. This photograph shows where we have come from with this building.

**The Deputy Speaker:** So ordered.

**Hon. Thomas C. Jefferson:** In September 1995, one of the first pieces of work on the property was our decision to move the old Steadman Bodden home from Spotts landing and place it on site. A contract was signed between CHRM and Russell Top Job for the restoration of Steadman Bodden's House. We may or may not remember that old style Caymanian building sitting at the Spotts Landing for many years in a serious state of disrepair.

We received agreement from Mr. Charles Adams to let us have it, and we moved it to Pedro St. James. The excellent renovation work was provided by Russell Top Job and that old Caymanian building now looks like new. It was and is a psychological lift for me to see Caymanian's performance change something that we felt sorry to look at into a brand new Caymanian style house. It was used in those early days as offices during the restoration and construction phase.

Do you really remember what it looked like sitting there at the Spotts Landing? Or are you having a bit of trouble remembering what it really looked like? Let me see if this photograph can help. I hold in my hand [a photograph of] what I call a dilapidated building which I will lay on the Table. And here is another of what it looks like today.

**The Deputy Speaker:** So ordered.

**Hon. Thomas C. Jefferson:** I can't help but say, whew, what a difference! But I also hasten to point out that the cost of moving and restoring that old building was not included in the Caribbean Development Bank estimate for the project cost of Pedro St. James which included the land purchase, which is not something that normally happens in government projects in any case. In government projects you buy the land one year and a year or so later you come back and construct a building and people just look at the cost of the construction and forget about the fact that you bought land.

But when you put land and everything in together, CDB's estimate was \$8,676,000. A breakdown of that cost was: Land cost, including stamp duty, \$853,000. And it was estimated to be \$775,000. But the actual figure includes stamp duty of \$77,500.

Looking at that estimate, and I want to take a little time to go through it in detail. The land cost was estimated at \$675,000. The building acquisition was another \$100,000 (that's how I reached \$775,000). The Pedro Castle restoration was \$887,000. The visitor's centre estimate was \$1,097,000. The furnishings, fittings and

multimedia was \$1,651,000. And I am talking about CDB's estimates for this work. The external works was \$1,012,000. The architecture and engineering was \$444,000. The construction management was \$267,000. And it went on into physical contingencies of \$967,000. Operating expenses for six months of \$330,000. Start-up expenses of \$430,000 and price contingencies of \$445,000, a commitment fee of \$41,000 and interest during construction of \$340,000.

When we add all those figures up we reach a total of \$8,676,000. I will come back to this before I am finished.

**The Deputy Speaker:** Are you moving on to another area? Would this be a convenient time to take the afternoon break?

**Hon. Thomas C. Jefferson:** Yes, Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.20 PM

#### PROCEEDINGS RESUMED AT 3.40 PM

**The Deputy Speaker:** Please be seated. Debate continues on Private Member's Motion 6/00 as amended. The Honourable Minister for Tourism, Commerce, Transport and Works continuing.

**Hon. Thomas C. Jefferson:** When we took the break I was coming up to October 1995. I am doing this deliberately so that the listening public and others who don't know the details are aware of the process used as we went forward from month to month, year to year, so they can see the painstaking activities we got into in order to ensure that we were moving on solid ground as we moved from one step to the next on this very important project.

**"In October 1995 the contract between CHRM and Steve Shaw Production, a Canadian company, for the development and installation of the multimedia element of the project was signed. In November of that year as well, a team of technical experts from CDB visited the site.**

**"In December of 1995 the Central Tenders Committee approved the recommendations of CHRM to award the contract for the mahogany framing work of the castle to CAT Construction.**

**"In January 1996 CDB compiled an appraisal report detailing the project's estimated cost and financing plans. These estimates were based on the CHRM documents and information gathered on the site visit in November 1995. CDB estimated capital cost of the project was \$8.68 million of which funding in the amount of \$4.83 million was requested from CDB as a loan."**

I believe one member asked how you can spend money before the CDB loan is actually signed and

agreed. I think that was the comment by the member. From day one this project shared capital expenditure between government and CDB. CDB did not undertake to fund the entire project. Actually, they undertook to provide funding of \$4.83 million CI of a project they estimated to be \$8.7 million. So, whatever government did prior to the arrangement of the loan and the signing is still good, except that you can't use that to claim against the loan. That is government expenditure.

"February 1996, CDB Board of Directors meeting: Approval was granted for a loan in the amount of US\$5.79 million or CI\$4.83 to assist the Cayman Islands Government in financing the Pedro St. James Heritage Project. In May 1996 submission to Executive Council requesting approval for the Financial Secretary to table a motion in this Legislative Assembly seeking to accept and sign the loan offer from CDB. On August 22 1996, the loan agreement between government and DDB was signed.

**"Also in August of 1996, Executive Council granted permission for the Bill to establish the Tourism Attraction Board to come to the House. In February 1997 the business plan for the Tourism Attraction Board, prepared by CHRM and ERA Consulting Group Inc. In January 1997 the appointment of members to the Tourism Attraction Board was done.**

**"In April 1997 tenders for the construction of the visitor's centre at Pedro St. James were delivered to the chairman of the CTC. In September 1997, PWD at the request of the Ministry of Tourism took on the responsibilities of project management during the construction phase of the visitor's centre."**

I think that when we look at the Auditor General's Report he says, "we terminated" the agreement with CHRM. That is inaccurate. CHRM was there to the very end dealing with the multimedia theatre.

**"PWD, at the request of the Ministry of Tourism took on the responsibilities of project management during the construction phase of the visitor's centre. October 1997, commence construction of visitor's centre by Hadsphaltic."**

May I say that although that particular part of the project, that is the visitor's centre, was estimated by CDB to cost \$1,097,000, when we put the matter out to tender the lowest tender that came in was \$1.7 million, almost \$1.8 million, and actually at the end of the day when we take the actual cost of construction of the visitor's centre, it came in at \$2.3 million. CDB's estimate of \$1.1, the actual cost was \$2.3 million.

When I compare that to the cost of restoring the castle, which was \$887,000 versus \$1.2 million, I wonder why the focus wasn't on the visitor's centre, which was twice the amount of the estimate.

But, be that as it may. . . In January 1998 both Pedro St. James and the Queen Elizabeth II Botanic Park projects were transferred to the management of the Tourism Attract Board. And on December 5 1998, which was the anniversary of the decision taken . . . the birthplace of democracy happened in 1831, it was the anniversary date. Not planned, but by sheer coincidence, it

happened that we had the official opening of Pedro St. James and all sections of the site, including the multimedia theatre became operational.

The balance left to be drawn down on the loan from CDB is roughly \$1.5 million. And last month we had a visit from staff members of CDB on the Pedro St. James project. It was confirmed to us then that the total loan amount was expected to be drawn down within a few weeks. We heard recently from them that this still holds true and we hope that we will have the cheque in the not too distant future.

I want to say that although the building was not opened until December 5 1998, about a year before then, probably January 1998, we discovered that many visitors from overseas were visiting the site. We decided at that stage that if it seemed that interesting to them to charge them something. So we charged \$1. That's one of the items mentioned in the Auditor General's Report. That ended up with \$91,000 being collected by the staff at Pedro St. James during that year, although the project was not officially opened and the multimedia theatre was not in operation.

I want to also lay on the Table of this honourable House, so that we have a proper comparison, these photographs which ably depict the quality of the work we have today.

**The Deputy Speaker:** So ordered.

**Hon. Thomas C. Jefferson:** There has been a series of items that we have been dealing with. One area in particular is trying to find the true asset cost of the project given that the project was combined with both Pedro St. James and the Botanic Park. In some cases items were charged . . . I think even the Auditor General realises that. Some items were charged to Pedro when they should have been charged to Botanic Park.

But the financial controller, who is a chartered accountant out of Canada, who has been with us for about one year now, has reconciled, together with Treasury, all of these payments that went through Treasury. They separated these items that were causing some confusion in the early years of 1995/1996. Their conclusion is that this project Pedro St. James which was estimated by CDB to cost \$8.7 million, the actual cost was approximately \$8.2 million. I think the actual figure was \$8,175,110.97.

One of the points made by the Auditor General in his earlier report dealing with the accounts for 1997 was that we did not have a proper set of accounts at the Tourism Attraction Board or at Botanic Park or at Pedro St. James. Our words to him at that time were that we were concentrating on getting the project open. The Treasury, having a cash system could continue to account for the cash collected and the expenditure. Given that we had opened this facility and we are now moving into early 1999, we then commissioned, and we talked to the Auditor General about it and he said "Look, this is going to cost a lot of money." But he felt that they could

not do this work. It was not right to do the work and then turn around and audit it.

So, we commissioned Ernst & Young, and paid the relevant sum of money. They produced a set of accounts, and he was asking for a set of accounts through June 1998. They produced a set of accounts through December 1998. As far as the financial statements of the Tourism Attractions Board, specifically on Pedro St. James, the balance sheet, the profit and loss, the cash flow of the accounts and the operation of it is now in place.

Let me hasten to say that it is absent of the total capital construction cost of Pedro St. James. It's the item we recently reconciled, meaning \$8.2 million, which we have to reconcile . . . we have reconciled with the Treasury and the financial controller of the Tourism Attractions Board, who is a chartered accountant the project manager for the visitor's centre, that is Public Works Department have all reconciled these payments and have now talked to the Auditor General. They tried to speak to him on Thursday or Friday last week, but he was not available to do so. But I think they met on Monday. We are waiting to hear his answer.

Let me also say that there was a point there last year when we got a set of accounts from the Auditor General which he wanted us to put to the Tourism Attraction Board for approval to be laid on the Table of this House which did not have the capital cost of these projects, Pedro St. James or Botanic Park and I refused to do so. My words were that if you laid financial statements on the Table of this honourable House dated 31 December 1998 and do not have the capital cost, in other words the asset cost, what is the value of the assets, the statements would be erroneous and unacceptable to members. So, in case some member has heard that, it was my decision to not do so. But we hope to be in a position to do so as soon as the Auditor General decides on the reconciliation, whether or not he accepts it, and we move on from there.

In the Auditor General's Report back in 1997, he made that point about project financial records and the inadequacy and confusion. He went on to say that it appears that the final cost of the project will be in the region of \$9.5 million. Well, it's an estimate it appears. What has now been reconciled I think will prove to be the true figure.

On page 82 of the Auditor General's Report which was produced by him in November 1998 on the December 1997 accounts, he also talks about the technical and financial oversight of the restoration element "was vested in the Ministry of Tourism."

**"In hindsight it is evident that ministry personnel were untrained and ill-equipped to deal with such a complex project."** It was a complex project. And if you talk to anybody who is involved in this kind of work they will tell you that no matter who the individual was it would still be a difficult project. But it was the ministry together with the steering committee that was taking these decisions about the oversight of technical matters, meaning that we wanted to be sure that the design of the project

was accurate and that what we ended up with was a building identical to the way it was built in 1780 with all of its ingredients—mahogany, slate on the roof, slate on the ground floor among other things.

He made reference to a significant number of contracts awarded. He even put in stationery in this. The work they did on stationery was to put the logo on a piece of stationery for the Tourism Attraction Board. There were only three contracts that were not tendered. Only three. One was the interpretation, another way to say that is the production of signage. The other was furnishings and the direct labour when dealing with landscaping. Only the direct labour was not tendered. And the Auditor General said himself that what was put together was a good scheme to deal with the situation.

I think it's found in paragraph 3.6. The Auditor General, speaking about the direct labour agreement, part of the landscaping project. This agreement was dealing with landscaping. He said, **"A direct labour scheme seems to have been a very good approach, one which in the circumstances offered several advantages over a conventional tendered contract including flexibility training and potential cost reduction."**

So, what's this about landscaping? What I understand some members to be saying is that the entire landscaping contract was not tendered. If I am correct in my thinking, I just want to say to them that that is not so. The landscaping contract was tendered. We used Crawford Dilbert to build the stone wall. That was tendered. We used EMS to deal with part of it.

And then they talk about the irrigation system. The irrigation system which is also not part of the CDB estimate and cost almost \$36,000 adding to the cost, yet the actual came in under the estimate, the irrigation system is a system we have at Botanic Park and it works almost perfectly. You know how irrigation systems are; you have to maintain it. It has been there for some time. And CDB staff, knowing that system and how well it works suggested to the steering committee that CHRM and the Ministry should put the system in and they would pay for it out of their loan. We decided to do that.

But there is a difference between what goes on at Botanic Park up in Frank Sound and what goes on at Pedro Castle on the Bluff near the iron shore. The crabs went in underneath the ground and chewed up the rubber hose among other things. That was the problem with it. You tell me how in the world could anybody predict that that would happen? Maybe someone has a crystal ball a little clearer than mine. I would ask him or her to let me look in it.

Do you know what I think this motion is about? It's about dethroning Thomas Jefferson in West Bay in 2000. But we will see if that is going to happen!

This motion is wholly political. There is a belief in this country that Thomas Jefferson is too popular and is going to win in November 2000, so let's find a way to tear him down. And let's walk all around Grand Cayman making all sorts of allegations, and let's come in here making all kinds of innuendoes trying to paint a picture of dishonesty. Yet, when you read the Auditor General's

Report there is no fact that points to Thomas Jefferson being dishonest.

I will tell you this: I will go to my grave and they will not find it because I am not that type of person.

On page 51 of the Auditor General's Report dealing with the financial statements in 1998 he said right at the top, "**Ministry personnel appeared to have acted in good faith throughout.**" Not just in good faith. Throughout the entire project— "**Ministry personnel appeared to have acted in good faith throughout.**"

The Financial and Stores Regulations were crafted under my watch. And far be it from me to break them. There is no evidence that I did. Yet, some of the parties on that side of the table are trying to say that I did.

I think the Minister of Education was making the point . . . and I also had a chat with one of the senior persons in Public Works Department that when you have . . . I liken John Stewart's (CHRM) activities on this project, because it is a specialised project, similar to a general contract in this respect of a major project. Hadsphallic had the visitor's centre. They were the general contractor on the visitor centre. The visitor centre cost more than twice the estimated amount. I ask this question: Why isn't somebody trying to find out what the cost of the subcontracting work was there?

It is not normal that you would go beyond the general contractor because you have a contract with him and you are going to hold him responsible and he is going to organise between him and anybody who does subcontracting work for him on that job he will hold with an indemnity that if the quality is not right they will have to fix it.

From the time I heard that the Auditor General was up at Pedro Castle . . . it didn't come from us to ask him to go there. The Chairman of the Public Accounts Committee was the one who told the Auditor General there were irregularities up at Pedro St. James, go there and check it out. When you say that, most auditors will try to find what is there, if there is anything there.

From the time I heard that, I said, '*look out Tom Jefferson. November election is coming.*' That's what this is all about. There is no evidence of any criminal activity. If there was the Auditor General has been up there since March 1999, over a year ago. Wouldn't it have come to light by now?

I am going to try not to get personal, because that's not like me. But I think I am going to make these remarks. There is a member of this House, the First Elected Member for West Bay, talking about mismanagement among other things. I think he should answer while he was the Minister of Community Development dealing with public assistance programme audit report done by the Auditor General I think he should answer why all of this money was given—

**The Deputy Speaker:** Honourable Minister, can I ask you to refrain from getting into another issue other than what is here? If the First Elected Member [for West Bay] referred to mismanagement, I think he was referring to

the motion. So, let us not get into other issues that this motion does not concern please.

**Hon. Thomas C. Jefferson:** Thank you, Madam Speaker. I was just trying to refer to many people who say he gave away a lot of money, and this proves it.

**The Deputy Speaker:** But we are not discussing that report, sir.

**Hon. Thomas C. Jefferson:** Thank you, Madam Speaker. I am with you. Sometimes a lot of people like to give a lot of stuff. When it comes back there's a different story. They are going to sue everybody in the land. But we will leave the subject.

The Auditor General also made his remarks on page 83 of the financial statements dealing with 1997, that certain project costs from Pedro St. James and Botanic Park were invoiced together. They are now reconciled. He went on to make the point that the services of the main consultant were terminated in late 1997. That's totally untrue. CHRM's services were not terminated. They were still there dealing with the multimedia theatre right up to a couple of weeks before we opened it in December 1998.

He says. "**There have been major problems in obtaining cost reimbursement from Caribbean Development Bank.**" Well, if you try to claim something that you did before the loan was approved there might be some problems, and there were. But, at the end of the day the CDB staff is saying that they are satisfied we are going to be allowed to draw down all of the loan, and that \$1.5 million claim that we made they are going to honour it.

On page 83 the Auditor General also went on to talk about "**no control over the various advance accounts open to account for Pedro project expenses pending reimbursement from DDB.**" That matter is resolved.

One member made reference to the 1998 accounts, page 44 when talking about what the Auditor General said in paragraph 3.8. Then he has a table figure 3.1 on page 45 where he is alleging overpayment. I think that's what he is doing. Both the Ministry and the Historic Sites Committee were concerned that Mr. Stewart who was supervising the project was not on island all the time. So we asked him to try to find a way to have somebody permanently here responsible to him. That person is Donny Ebanks. And that's what this \$30,000 is about. I think we have accounted for that one. Some people might not like it, but we have accounted for it.

**The Deputy Speaker:** If you are going on to another point and the House will agree, I would ask for the adjournment. Certain members have a committee meeting that starts at 4.30. I would entertain a motion for the adjournment at this time.

The Honourable Minister for Tourism, Commerce, Transport and Works.

## ADJOURNMENT

**Hon. Thomas C. Jefferson:** I move the adjournment of this Honourable House until 10.00 AM tomorrow.

**The Deputy Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AT 4.20 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 13 APRIL 2000.**

**EDITED  
THURSDAY  
13 APRIL 2000  
10. 16 AM**

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

*[Prayers read by the Honourable Acting Temporary First Official Member]*

**The Deputy Speaker:** Please be seated. Proceedings are resumed. There are no announcements, so we move to Item 3, Other Business, Private Members' Motions. Debate continues on Private Member's Motion No. 6/2000 as amended.

The Honourable Minister for Tourism, Commerce, Transport and Works continuing his debate thereon.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 6/2000 *AS AMENDED*

##### INVESTIGATION INTO PEDRO ST. JAMES CONSTRUCTION PROJECT ACCOUNT

*(Continuation of debate thereon)*

**Hon. Thomas C. Jefferson:** Thank you very much, Madam Speaker.

Yesterday afternoon I spent a great deal of time to say that even in September 1990—long before the government had purchased this piece of property out at Pedro St. James—the Historic Sites Committee was appointed by the former Executive Council Member responsible for Tourism to oversee this particular restoration process. The process has been broken down into three different phases: One was the research, the other one was the feasibility, and the third one was the implementation of the restoration process.

I moved in chronological order from 1990 to 1991, when we purchased the property, to 1992, 1993, 1994, 1995, straight through the years indicating the painstaking steps that were taken by the Historic Sites Committee, the ministry and the steering committee involved with this project.

I did point out the members of the Historic Sites Committee. It was chaired by Mr. Kirkland Nixon. Mr. Kearney Gomez was the Permanent Secretary for Communication, Works and Agriculture at the time. The Principal Secretary for Tourism was Mr. Watler; the Principal Secretary for Education was Mr. Oswell Rankine; the Deputy Director for Tourism was Mr. Hubbell; the Director of the National Archive was Dr. Phillip Pedley; Dr. Peggy Denton of the Museum; Mr. John Doak, the Chairman of

the National Trust Historic Building and Sites. Mr. Hubert Bodden was the community representative, at the time. Miss Theresa Leacock was also a member. Anita Ebanks, the Director of the Museum and Mrs. Arthurlyn Pedley were also members.

Mrs. Dace Ground was the secretary of the Historic Sites Committee, Mr. Naul Bodden, the Chairman of the Museum, and Mr. Donovan Ebanks (who was the Chief Engineer at that time in January 1992) [were also members].

I went on to indicate the Historic Sites Committee painstaking process of selecting the consultant. I made reference to some Minutes of the Historic Sites Committee on 13<sup>th</sup> May 1992, and I also made reference to a report to the Historic Sites Committee from the Consultant Selection Sub-Committee, which I indicated a number of steps in this report.

The first step was for the committee to read each of the submissions, to examine the qualifications of the firms or groups tendering using the criteria outlined in the Financial Secretary's guide to selection and use of consultants.

At that stage this report also went on (and Madam Speaker, with your permission, I am going to table this report) to talk about the two companies that have risen heads above all the others and we had sixteen firms bidding for the project. Those two firms were Commonwealth Historic Resource Management (CHRM) and Design Collaborative.

Step Three (I just want to touch on this briefly) **"The Committee then evaluated the two finalists against each other in detail on the criteria laid out below:**

**"A. Overall Team: The quality of the companies and individuals who make up the team.**

**"Commonwealth: The team is led by CHRM, one of Canada's leading and most experienced historic preservation firms joined by the ARA consulting group for financial, tourism and marketing expertise, Onions Bouchard McCulloch as local liaison and technical assistance; and several specialist consultants.**

**"Design Collaborative: The lead firm is a major project development firm from Barbados joined with two of the best known cultural tourism development firms, Gilmore, Hankey, Kirke and Lord Cultural Resources Planning."**

The report goes on to just speak about CHRM and they make these remarks about John Stewart, who people are trying to paint in here as a criminal. **"John Stewart, located in Canada—historic preservation specialist. We were very impressed with him when we met**

him, and the proposal he submitted indicated that he had listened carefully and sensitively to the issues and ideas expressed to him.

**“Onion Bouchard McCulloch (OBM) would be their local liaison and joint project architect, with John Doak leading the team.”** Now, we know who John Doak is. He is senior partner of the architectural firm of OBM and quite able as an architect.

Just one or two more quotes from this, Madam Speaker, briefly. They go on to talk about these two firms, CHRM and Design Collaborative. They go on to say, **“Perhaps the biggest contract between the two teams is that between David Russell of CHRM and Gail Lord of Lord [who was a part of Design Collaborative, the other company] who both specialise in developing the kind of restored structure that will attract tourists. Mr. Russell appeared to be the master of his field, of the details of this project and of its Caribbean context.**

**“Ms. Lord spoke only in the most general terms about how her firm would be involved, its relationships to other firms and about work in the Caribbean.”**

The last quote from this, I think is very relevant because people were saying whether any checks had been done. Step 5 in this report talks about reference checks. **“Anita Ebanks [still the Director of the Museum] has called people she knows who have been involved with various projects in the Caribbean on which the two teams have worked to inquire as to how they performed. Although she inquired about both teams, since all indications favour the choice of Commonwealth, only the comments relevant to that team are presented here:**

**“During the initial process of hunting for a consulting firm to carry out the restoration of Pedro St. James, we contacted a number of regional and international organisations involved in the preservation of cultural heritage projects. Commonwealth Historic Resource Management Ltd. was recommended by the:**

- **Canadian International Development Agency [I think we know who that is];**
- **Canadian Association of Professional Heritage Consultants;**
- **Canadian Museums Association;**
- **Canadian Parks Service;**

**“Quite a number of individuals in Canada, Jamaica, Barbados and Antigua were quizzed on the work of the team members. Overall the comments were very positive [and I will list them]:**

- **Very professional, thorough, sensitive and reliable;**
- **Detailed reports and monitoring—work plans updated regularly;**
- **Timescale/schedules and cost/budget fair to good;**

- **Good listeners, receptive to ideas and suggestions, however they will stand up to what they believe.”**

When you are dealing with a project like Pedro that was in ruins and we didn't know what to do with it, it is good to know that the person you are selecting will stand up and say, *‘this is the way it should be’* rather than be guided by other people who have all sorts of ideas—including Thomas Jefferson—about what should happen. They go on to say [regarding] CHRM:

- **“The glue that holds it all together—the vision;**
- **Make things happen and run smoothly—good managers;**
- **The experience and professionalism of the staff, associates, other team members and subcontractors of the highest order experience;**
- **If not the best in Canada they are among the top few who are well known for their experience in the preservation of heritage resources.”**

Thank you, Madam Speaker, for your tolerance of this. I beg now to lay this on the Table of the House.

**The Deputy Speaker:** So ordered.

**Hon. Thomas C. Jefferson:** Yesterday, too, I brought to light that the comment made by the First Elected Member for George Town indicating that the first mistake by the Ministry of Tourism was that we put a paper to Executive Council to waive Financial and Stores Regulation . . . I did point out to him that that statement, or that information he received, is not true. Actually, the way I put it, his statement is wrong. The proper procedure was followed in that the Financial Secretary in a submission to Executive Council sought their input and the Financial Secretary waived Financial and Stores Regulations to allow CHRM to continue to work with us.

The whole reason behind that is that, given their expertise (and I read that out yesterday—five different areas of it) . . . since they had been on the ground floor with the research and with the feasibility, and research being done by archaeological means, and they had supervised all that happened at the site and helped us to recognise what the building was like in 1780 and that the whole objective as I read from the terms of reference of the Historic Sites Committee was that we wanted to restore Pedro St. James as it was built in 1780 as accurately as we possibly could and we wanted to ensure that happened, our view, for continuity reasons, was getting on with the project. The experience of this firm made sense for us to seek to allow them to continue as they have, among their five areas of expertise, project management.

We formed the view in the early days that project management was needed to happen both at Pedro St.



James and Botanic Park simultaneously. Both projects were going on at the same time as we were planning it that way. We took the view that it was more cost effective to have one organisation as the project manager than to have two. Thus, we formed the agreement with CHRM to be the project manager (since they have that as part of their expertise vouched for by people around the Caribbean as well as Canada) and that we would employ them to be the project manager on Botanic Park as well as Pedro St. James and the total cost of it was \$1,075,000 shared among the two projects.

I have to say that when I was looking through this 1997 report of the Auditor General, he made reference on page 82 that this main consultant, CHRM, the proposal for professional fees for this phase of the work amounted to \$1,022,124, which included expenses. He goes on to say, **“This represents 25% of the estimated project cost and appears high by any standard.”** Now, I want to know how he did that calculation. How can \$1 million be 25% of \$8.6 million or \$8.7 million? Forget about the percentage—25% expressed in a fraction is one quarter, and one quarter of \$8.6 million is not \$1 million. It has to be over \$2 million. So, that statement by him I think is erroneous.

Yesterday, I also talked about (and I am still back on this 1997 Report) where the Auditor General said that the project financial records are inaccurate and confusing. I am not going to say they were not confusing. I didn't look at them. As the minister, I am not involved with that level of detail. But he then goes on to say that it appears that the final cost of the project may be in the region of \$9.5 million and I emphasise, he says, **“it appears [which means it is an estimate] that work has now been reconciled from all the payments that have passed through the Treasury of this Government by the Financial Controller of the Tourism Attraction Board [and she is located at Pedro St. James], by the Treasury and by the Project Manager of the visitor's centre portion of the total project of Pedro to be \$8.2 million.”**

We made contact with the Auditor General on Thursday or Friday of last week to present our reconciliation to him. He was not available, but I understand they met on Monday to look at this reconciliation.

He talks about technical and financial oversight of the restoration element that was vested with the Ministry of Tourism. Well, it wasn't just the ministry . . . and I am not saying that I am not responsible for it, but we established the Historic Sites Committee from December 1991 and they followed this project all the way through to the end. So, it's the ministry, the Historic Sites Committee, and the Steering Committee.

He also makes mention of many of the financial records including tenders, bids and purchase commitments held by the consultants and what is not available to support the audit payments is charged to the ministry's vote. CHRM says that is not so.

I would say, Madam Speaker, that when we compare the Pedro St. James, or the Castle part of this pro-

ject, and the fees that I spoke about earlier—which I think are close to 12.5% and not 25%—information given to Public Works on this matter of contractors and sub-contractors relationships, it says, **“It is normal that Government's contracting procedure is that Government enters into a contract with the main contractor.”** If we take the visitor's centre, for example, it would have been Hadsphaltic. The main contractor employs sub-contractors. On a typical project there will be between ten to twenty sub-contractors dealing with plumbing, electrical, air-conditioning, roofing, security systems, cabinet works, paving works, etcetera.

The word from Public Works is (and they were the project manager of this visitor's centre), **“Government has no direct contract relationship with the sub-contractor. Government pays the main contractor who in turn pays and is fully responsible for the performance of the sub-contractor. Typical main contractor mark-up on sub-contractor's costs is between 10% and 15%. These pay for the contractor's supervision, the co-ordination, the profile, et cetera, of the sub-contractor's work.”** So, it's typical that it is varying between 10% and 15%.

I also spoke about the contracts that were not done by tender, and I will come back to that in a little while. This report also says certain project costs for Pedro and Botanic Park projects had been invoiced together. That was so in the years of 1995 and 1996 but it has now been reconciled and separated. Those that were incurred for the Botanic Park are on the account for Botanic Park, and those for the account of Pedro are on Pedro's account.

He also makes mention that **“the service of the main consultant was terminated in late 1997.”** That is not quite true. CHRM was there to the very end, just shortly before we opened the facility on 5<sup>th</sup> December 1998.

He also mentions that there have been major problems in obtaining cost reimbursement from Caribbean Development Bank, who agreed to fund C\$4.83 million of an \$8.676 million (or \$8.7 million) project. I cannot say that I know some invoice was presented and CDB said it could not support it. What I do know is that the work from the very beginning on Pedro St. James (the \$8.7 million part of it) was to be funded by Caribbean Development Bank to the tune of C\$4.83 million. The difference between those two figures is what government would have to pay as part of the project. So, it's a shared costing.

Now, if somebody presented an invoice before the loan agreement was signed (because the project did start before the loan agreement was signed), then I am almost certain that Caribbean Development Bank would not pay that invoice. But, what is clear from the recent visit of the staff member from Caribbean Development Bank, with the view of clearing up all of the outstanding matters and dealing with the claim we submitted of \$1.5 million, is that they are going to honour it and our loan will be fully drawn down. That being the case, all this knit picking goes away.

He also goes on to say on page 83 that there has been no control over various advance controls open to the account for Pedro St. James expenses pending reimbursement for CDB. Well, the procedure for CDB is that the government pays the sum, puts it in an advance account, claims it from CDB, and when CDB pays that amount, they then clear off the advance account and place it to expenditure. All this has been resolved. All this has been reconciled by the financial controller of Pedro St. James, who is a chartered accountant, and by the Treasury. Those matters are resolved.

Madam Speaker, before I come to some other points I just wanted to try to deal with some of the items listed in the 1998 report on page 55, where he gets into the operational side of the financial work and systems at Pedro. Page 55, paragraph 3.32, says, "**The main outstanding action points recommended for Pedro St. James are summarised below: Install a proper accounting system and adequate internal controls.**"

Yesterday, Madam Speaker, I made the point that in 1998 (that's the accounts we are talking about here) the project did not officially open until 5<sup>th</sup> December of that year. We were concentrating on getting the project finished and opened, and we were not at that stage focusing on the need for accounts because the Treasury (which has a cash system) was dealing with the cash collected from visitors at Pedro St. James and was also accounting for the capital expenditure of the construction or restoration of Pedro St. James as well as the staff who were working up there.

His recommendations summarised: "**Install a proper accounting system and adequate internal controls.**" That matter is done, actually we have accounts right up to the end of the year 1999. "**Ensure effective marketing of the attraction to cruise line visitors and land based arrivals.**" We have started that process. There are tour operators who have arrangements with the various cruise ships that call in George Town and they take passengers to Pedro St. James as well as to the Botanic Park. So, that is in progress and there are several of them that are actually bringing visitors to the site so that we can collect their money and raise some funds.

"**Review the 1997 Business Plan to reflect realistic visitor arrivals based on the proposed marketing campaign.**" This one is in the programme, but quite frankly, the ministry and I could say the minister's focus is that we have asked the Financial Controller to reconcile all these matters to get the proper accounting systems in place and to make sure that the reconciliation (which I referred to earlier) was done, and which is now done subject to agreement by the Auditor General. And then we get on with the review of the business plan.

"**Determine the total cost of the restoration and development project and disclose this information in the 1998 financial statements.**" I think I just said that's done subject to the Auditor General, to be finalised with him.

On page 58, he goes on to say, paragraph 3.35.1, ". . . **accounting and internal control systems had not been established.**" They are firmly in place, Madam Speaker. I am not saying they were at that time because I was not there when he did it. But they are now firmly in place so that matter is also resolved.

He also talks about no system for authorising purchases and no official purchase orders. The purchase order system is firmly in place. The Financial Controller is the only person able to sign a purchase order unless, of course, it is a maintenance item, which Mr. Teddy Ebanks has the authority to do.

He said, "**There is reasonable control over cheque authorisation but authorised limits were at times overridden . . .**" All cheques are now—

**The Deputy Speaker:** Honourable Minister, are you getting into the special report or are you just dealing with the Pedro Castle?

**Hon. Thomas C. Jefferson:** I am reading from the Auditor General's Report, page 58.

**The Deputy Speaker:** Could I see it? because there are two reports but there was only one that was debated publicly in the Public Accounts Committee Meeting. The one that says Special Report that was requested by XYZ was not debated publicly so I'd rather you not get into that, sir.

**Hon. Thomas C. Jefferson:** That is fine, Madam Speaker, that is fine.

I want now, Madam Speaker, to talk a little bit about the landscaping. It was in 1998 that the Auditor General approached the ministry to say that he was not quite satisfied with everything on the landscaping contract but he did not have any money to deal with it. We asked, '*what do you need?*' He said, '*well, we need about \$10,000.*' Our view in the ministry was that we wanted to ensure that the Auditor General was satisfied with what the state of affairs was regarding the landscaping at Pedro St. James. So, we spoke to the Financial Secretary and we said to him on 22 February 1998, '*we would like you, sir, to allow us to utilise \$10,000 of the funds provided under the ministry to allow the Auditor General to carry out his work on the landscaping.*' He issued an allocation warrant, as such, which I am happy to lay on the Table for members to peruse if they so wish.

**The Deputy Speaker:** So ordered.

**Hon. Thomas C. Jefferson:** This is for the Auditor General to use to carry out whatever work he wanted to do to satisfy himself on the landscaping contract. We had no difficulty at all with providing him with that.

Now, the direct labour agreement, which the Auditor General said was a good scheme because it provided flexibility for training and other matters, I quoted that from

his report yesterday. He also went on to say that there appeared to have been an overpayment of \$30,605.

I pointed out yesterday that Mr. John Stewart who was the project manager for this part of the project, meaning the landscaping part, was not always on the island so we said to him that he should find a local person that could be on the site at all times. That person is Carson Ebanks and this \$30,000 represents the payment for him.

Now, Madam Speaker, a portion of the landscaping contract was awarded to EMS and DDM. Both were tendered. Crawford Dilbert was contracted for the stone wall. That was not tendered. On the recommendations of the Historic Sites Committee, Mr. Dilbert was selected based on the limited skill for masonry restoration available on the island and having done an excellent job on the restoration phase of the great house.

DDM Horticultural Services initial contract was to provide design services for the Botanic Park. This contract was later extended to include services to Pedro. At the early stages, the Horticulturist at the Botanic Park with the assistance of selected committee members, was responsible for the selection, purchase, and shipping arrangements for plant material and equipment. This event was not successful as the purchasing team encountered various difficulties during the selection process. For example, they were not familiar with the US suppliers and were unable to locate many of the varieties specified.

A major difficulty experienced was that goods required immediate payment before shipment. This resulted in a container sitting on a dock in Miami for an extra week and some of the plant material was lost.

I heard members in this House making a remark that *'they just said the plants died.'* I wonder if we have not experienced that in our lifetime in our gardens.

Commonwealth was asked by the committee and ministry to take over the management of the acquisition of the plant material and equipment. As a result, DDM, an American landscaping and design company of which Mr. Stewart had a previous working relationship, was recommended by CHRM and accepted by the committee to provide plant design and to assist with the installation of plant material for both sites, Pedro and Botanic.

Following the selection of supplies, equipment and plant material, these items were submitted to the committee for review. Once the appraisal was given, a requisition was sent for the supplies. However, due to a lack of credit, prepayment was required and CHRM advanced these payments then invoiced government for reimbursement of \$47,000 for plant material and supplies, \$104,010 for equipment.

The items under equipment included the purchase of a Mazda truck, club cars, lawnmowers, saw cutters, golf carts, weed eaters, chainsaw, hose and sprinklers, hydraulic dump system, chairs and benches, plant sprayer, sugar cane juicer, potter, chemicals and trash containers.

The plants actually died, Madam Speaker, they were sitting in Miami too long. That is one of the reasons why when you look at figure 3.2 on page 48 of the report of the Auditor General for 1998, the contract was for \$149,152 and the total invoices at the end of the day having lost some of the plants was \$194,974.

The labour, which we talked about, the contract, was \$50,400. The actual cost was \$51,517. CHRM was not the contractor. This could be the confusion because CHRM advanced the money to do this purchasing and then sought reimbursement. If you just look at the reimbursement portion of the exercise, you could easily think that CHRM was the contractor. But, in fact, they were not.

When we talk about landscaping, I just wonder if we remember what it looked like. It is easy to remember what it is now. But do you remember what it looked like? I have a photograph of some of it including what Pedro Castle looked like. When I talked about guinea-grass and shrubbery, and I am on trees and tamarind trees, certainly in this picture, which I am happy to place on the Table of this House but I ask the Serjeant-at-Arms not to move yet because I have many more.

Here is another picture of the landscaping on the site, garbage all over the place. Here is another picture of the landscaping, pretty bare except for the trees in the distance. Here is a seaside view of it, which I am happy to lay on the Table. More garbage. More of that shrubbery I talked about . . . and I am going to just hand these all to the Serjeant-at-Arms and ask that you allow me to lay these on the Table.

**The Deputy Speaker:** Honourable Minister, before I order these to be laid, maybe you need to provide a photograph album to Parliament. We can keep these for posterity. (Just a joke.)

So ordered.

**Hon. Thomas C. Jefferson:** I have more that I can offer too, Madam Speaker, and I am happy to do so. Thank you.

**The Deputy Speaker:** Is this a convenient point to take the morning break?

**Hon. Thomas C. Jefferson:** It is, Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended for fifteen minutes.

**PROCEEDINGS SUSPENDED AT 11.08 AM**

**PROCEEDINGS RESUMED AT 11.32 AM**

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 6/2000 as amended.

The Honourable Minister responsible for Tourism continuing his debate thereon.

**Hon. Thomas C. Jefferson:** Thank you, Madam Speaker.

Since we are on landscaping and I have basically laid on the Table of this Honourable House, with your permission, what it looked like in the beginning, I think it fair to ask you to lay these pictures on the Table indicating what it looks like today.

**The Deputy Speaker:** So ordered.

**Hon. Thomas C. Jefferson:** Madam Speaker, as I indicated yesterday, the direct labour part of what took place at Pedro on landscaping was under the supervision . . . because the project appeared not to be moving fast enough to open it in 1998, we asked CHRM to take on additional staff so that we could finish this exercise.

That direct labour scheme which we put together amounted to \$318,202. The Auditor General, on page 43, paragraph 3.6, says, "**A direct labour scheme seems to have been a very good approach and one which, in the circumstances offered several advantages over a conventional tendered contract, including flexibility, training and potential cost reduction.**" So, we didn't tender that aspect of it but the Auditor General said what we put together was a good scheme. It was a very good approach and one, which offered several advantages over a conventional tendered contract.

The other contract that we did not tender for, as I mentioned earlier, was the stone wall around Pedro St. James. It was recommended (as I quoted earlier) by the Historic Sites Committee that the work be done by the late Crawford Dilbert. I think any of us who go to that site will see the quality of his work and certainly can admire the beauty of that stone wall surrounding Pedro St. James.

More importantly, Madam Speaker, as a young boy growing up in Cayman, many of the boundaries around properties were stone wall boundaries and that is still so in some parts of this island today. So, the stone wall depicts the era of the 1780s.

There is another item, the second item that was not tendered, which members spoke about, was the furnishings. We tried to tender it and the cost of that tender we thought prohibitive. Then we said, *'let's just see if we can do it ourselves.'* So we sent a number of persons around the Caribbean, a lady by the name of Claudette Shaw, which someone might confuse as being some relative of Stephen Shaw, but in actual fact, she is not. So, I would say to members, please don't make that connection because it would not be accurate. No relationship at all to Stephen Shaw, who had the multimedia contract.

One of the reasons for having to go overseas is that the National Museum for their own reasons did not want us to purchase property of that era locally, furniture that depicts the 1780s, because it might damage their ability to collect things for free. If we paid the price, obviously it would cause them to pay substantial sums of money. I think those are the reasons.

So, we sent Claudette Shaw to Barbados, Antigua and also Grenada. Mr. Stewart and Mary Peavers who were on our staff went to Jamaica to select various pieces of furniture that fit that 1780 era. Part of the reason why the actual cost was more than the contracted or estimated sum is the fact that you have to build into this all these air fares and accommodation travelling to Barbados, Antigua, Grenada and Jamaica, as well as the government import duty and the shipping charges.

As one can appreciate, this is very specialised furniture and artefacts that depict the 1780s. I wonder really if you could find this altogether in one place. If you did, it would probably turn out like what we experienced—the cost of it would be prohibitive. Because of the fact that that type of furniture is so rare, they can charge whatever you want for it, and you either take it or leave it. We decided, of course, to leave it. That's the rationale behind that particular contract of furnishings.

But when we look at it, we find that (even building in all the import duty and the air travel and the cost of accommodation and other things) we also had to include props for the theatre, shipping and storage because when the furniture came, the building was not yet ready so we had to store it. That's another \$6,000. So, when you take the additional less the contingency of \$20,000, the addition to it was about \$40,000—not prohibitive. Actually, if we had gone with the tender we would really have something to talk about.

The multimedia theatre, the original contracted sum was \$611,800. And, how did the final cost come in? It was \$580,118, less than the contract according to this Government Minute.

The multimedia contract according to our project manager was tendered. Two Canadian consulting companies were extensively interviewed. Steve Shaw was one and the other was Rod Huggins. They met with CHRM during the section process. As a result of this interview and written proposal, it was recommended by the project manager to hire Steve Shaw.

Madam Speaker, I haven't found one person yet, although this building has been officially opened since December 5 1998, who goes to Pedro St. James and who sees the multimedia production, who says it is no good. Actually, it is just the opposite. I find people who are well travelled, former seamen in some cases, who say to me, *'Tom, I have travelled around this world. I have been to Disney World, I have been to this national park and I have been to many different theme parks including Williamsburg, but I have never seen any production that is better than what you have.'* So, the quality is there.

My father always told me, *'son, if you are going to buy something, buy it good; because it is going to be value for money in the long term.'*

The main contract between government and CHRM includes a provision to allow CHRM to subcontract specialist elements of the project. The ministry met with the chairman of the Central Tenders Committee and fully explained the reasons for the recommended selections and subsequently made a submission to Executive

Council seeking approval to hire Steve Shaw as a sub-contractor to CHRM to produce and set up the multimedia show. With this approval, CHRM then subcontracted with Steve Shaw along with eleven other sub-consultants to provide the service specified. These consultants include (and there is a whole slew of them here): Dennis St. Louis, Rod Huggins, Daniel Corvel, John Silvern, J. Doak, Mat Morris, David Busereat, Bill Greaves, David Russell of ARA, and Mat Lisage of Globalmic.

Steve Shaw also had a series of sub-consultants working for him including the actor of script and story line, a prop manager, the musical director as well as actors from Canada and Cayman.

Hal Calman (one of the CHRM principals) wrote the first version of the storyline and was very involved with the development of the final script. Beg Stanley and Dr. Busereat (and I am a little unsure that I am pronouncing this correctly) carried out research and managed sub-consultants, located archival data at archives in Cayman, Jamaica, Washington, Chicago, England and Spain. The material was used in a script and in the multimedia production.

John Doak and Jeff Huggins participated in the development of the storyline and worked with Dennis St. Louis who designed the space in which the production is presented. Their fees were in addition to the contract already in place. The contract between the government and CHRM for the production and hardware totalled \$611,800.

CHRM was responsible for the proper performance of the sub-contractors, and all payments for such services were made to CHRM directly and in accordance with the contract on submission of properly authenticated invoices.

The multimedia production required ongoing development. An interpretative script depicting the history of the Caymanian people took lengthy research and information gathering to facilitate this process. An advance payment was made to CHRM in the amount of \$150,000. The hardware component was awarded separately throughout competitive tender. The fees for the exhibit and the interpretation were for the exhibits and the interpretative programme and were separate from the multimedia production.

The report claimed that the Audit Office experienced difficulty in obtaining the appropriate information requested from the project manager. However, the ministry was told by CHRM that the Auditor General's Office was provided with a complete breakdown of fees and expenses and a list of subcontractors who were paid through the global contract between CHRM and government.

Madam Speaker, there was a document in August 1995 that really breaks down this cost and shows how all these persons that I have mentioned fit into the picture. The multimedia budget (the length of the multimedia should be fifteen minutes), the pre-production which is the planning, briefing outline, research, write, translation

version and visuals and transcribe other miscellaneous items was \$21,200.

Art design and graphics, which is the creative design, storyboard, art and graphics and stock shots amounted to \$14,200. The shooting, meaning the photography, location scout, the camera, the videographer, the sound, the lighting, the assistance, the video tape shots (and we have the individual listings of dollar figures here but I don't want to cloud the whole thing with numbers), the crew expense, the set signs and props, the costumes, the makeup, the photography, the film and processing, the helicopter rental, catering, location expenses, vehicle rental and intercom adds up to \$65,200.

Then the video post production, the time code burning, the logging, the online edit (one and two), computer graphics, titles, animation, motion control, online edit, special effects, optical duplication, supplies. Those items amount to \$50,600.

The talent, principals, the secondary, the extra, the voice-over and the characters—\$21,200.

The creative side of this exercise: the director, the production assistance—the cost of that for the creative, \$44,000.

The soundtrack which deals with the recording studio, the original music, the music director, the recording studio music, the musicians, the production, the mix, the surround sound, the lay back and the supplies—\$47,000.

The multimedia, the media design, the hardware design, the hardware test software, programming, test laser disc pressing, the show running, the laser disc mastering, shipping to site, hardware installation, equalisation on site, the site running—\$36,400. I am going through this deliberately because we need to understand the full effect of this multimedia exercise. The hardware, project system, audio system, control system, the lighting, the miscellaneous hardware, the labour, special effects and additional effects. Those items total \$235,000.

Administrative: the producer, the production manager, the travel involved, the shipping, the long distance calls—\$77,000. All of these items that I have mentioned total \$611,800 but it does not include the taxes and import duties on these items as well as it would not include the usual mark-up by CHRM. The Pedro pro-video budget, there is another item here for the research and the right and miscellaneous, this \$2,300. There is the art design graft, which is the creative design there—\$600. Location shoot, videography and the sound—\$1,200. The audio, the recording studio, the music, the production, the mix, the layback, and supplies—\$14,500.

The production, time code burning, off limit edit, online edit, computer graphics, duplication, supplies—\$4,500. The talent on camera, voiceover—\$400. The creative director—\$4,400 and this adds up to another \$16,850. The taxes and import duties are not included.

Madam Speaker, Steve Shaw subcontract causes him to be responsible to CHRM, and therefore to the government. So, we have to hold CHRM for any inadequacy in the production of the multimedia as is the normal case with most projects.

May I go on to mention that this project is a special project, a unique project, a project that is seeking to restore and to create simultaneously—restore the building with all of its detail as accurately as possible, and simultaneously from the multimedia point of view to create to create on a document which is now 24 minutes not 15 minutes—a documentary that fits the Pedro St. James into the environment of the Cayman Islands and the Cayman Islands into an environment of the Caribbean in the 1780s. I believe that having seen this multimedia show that we have created a masterpiece of work in its entirety.

Madam Speaker, signage was another item (let's call it the interpretation contract). It was another area that the historic sites committee was diligent and going through tedious details to ensure that the signage was respectful and high quality to the era of 1780s. By the time they finished with the designs of it, we came to the conclusion that it makes more sense to allow this exercise to continue with CHRM rather than we go out to tender because we might end up with a greater cost. CHRM produced these signs off island, in Canada, to try to achieve the best possible price for them.

Having completed that portion of the project, I don't see how members can talk about trade and business licences. For what purpose? A trade and business licence to produce a sign in Canada? A trade and business licence to collect furniture around the Cayman Islands? He was originally hired as a consultant to the government. Is there a need for a trade and business licence? Never before has it happened. But we know what this motion is all about—this motion is about politics.

This motion is about Thomas Jefferson. This motion is about elections in November 2000 and this motion is about seeing how they can damage Thomas Jefferson's image, for the populace in West Bay, in particular.

From the time I heard the call from the Auditor General who was then at Pedro St. James in March 1999 that the Chairman of the Public Accounts Committee had called him and said to him, "**There are irregularities out there. Go out and check this out.**" From the time I heard that . . . and I have some understanding of how an Auditor General will react to that kind of statement—like a bull to a red flag. In normal cases, he is going to go out and turn over every little rock and gravel trying to find something because of the substance of the person, supposedly, who asked him to go there.

That's when I decided, *'look out Thomas Jefferson. Is it politics? Boy, November 2000 is here. They are going to find a way to fix your wagon.'*

Pedro Castle, part of it came in a lot closer to the estimate. Actually, the Pedro Castle restoration . . . and all of us know when you start restoring something, you have no way of knowing when you pull that piece of board what you are going to find when you do that. When you start dealing with a stone wall or a stone core of a building that has been there since 1780, you don't know what the strength is until you really begin to deal

with it. But the restoration was estimated at \$887,000 and it came in at \$1.2 million. The visitor's centre part of it, which was estimated at \$1.1 million, came in at \$2.3 million—double the amount. There is no question on that one. No question at all. I wonder why.

I received on March 10<sup>th</sup> a letter from John Stewart of CHRM actually talking about the 1997 Auditor General's Report. He said, "**At your request [which was my request] I have reviewed excerpts of the Report of the Auditor General 1997 supplied to me by the Ministry and have prepared the following comments. The response focuses on Section 4.35 of the report pages 82-83. The report, to say the least, is misleading. Many of the comments are unsubstantiated, and a number of the statements are half-truths and many are factually incorrect. I realise the criticisms are directed towards you [meaning Thomas Jefferson] and your ministry.**

**"As many of the references also implicate Commonwealth I have passed the report on to legal counsel requesting their assessment of the situation. It is Commonwealth's opinion that if this document is made public and presented to the legislature in its present form Commonwealth will have no other recourse than to sue the Cayman Islands Government for libel.**

**"These comments that follow are in response to specific points and should be read in conjunction with Section 4.35 pages 82-83."** He is talking about—**"Many of the financial records including tenders, bills and purchase commitments are held by the consultant in Canada and are not available to support the audit of payments charged to the Minister's votes."** I am reading directly from the Auditor General's Report on page 82, section 4.35.

**"The main concerns are as follows: Point 1: 'Project financial records are inadequate and confusing.'"**

Mr. John Stewart says, **"This is not true. Commonwealth prepared and made available on an ongoing basis financial records. At our meeting with the Auditor's office on 4 March 1999 . . . claimed never to have seen any of the financial summaries. Throughout the course of the project both the Ministry and Commonwealth prepared progress reports on a regular basis. As well, year-end reports for both the Pedro and Botanic were prepared from 1995, 1996 and up until July 1997. A complete set of these reports was turned over to Max Jones PWD when he assumed the project management role.**

**"Each contract was supported by progress reports, summaries listing all invoices and addenda to contracts. These reports are updated on a regular basis. A full set of these reports were turned over to PWD."**

He goes on, **"Point 2: 'Technical and financial oversight of restoration.' As an outside consultant I can comment on this only as it operated and to state that compared to other projects we are involved in**

there was a very good system of oversight in place. There was a technical committee for each project with representation on the respective Committee by the Ministry. Commonwealth reported to these committees and took direction from them in technical matters . . . Budget for each aspect of the project were prepared and submitted to the respective committees before being approved by the Ministry. BCQS (Botanic) and Victor Warring JEC Quantity Surveyors (Pedro) prepared the cost estimates.

"The original cost estimate was prepared in 1993 and was used as a basis for proceeding with the project. The estimates were updated in 1996 and again in 1997 at the request of CDB.

"**Point 3:** 'The consultant in Canada holds many of the financial records including Tenders.' This statement is misleading and implies that Commonwealth is withholding records. To be more accurate, copies are held by Commonwealth. The original tenders, bids, minutes and invoices are with the Steering Committees, Ministry, Customs, PWD and Treasury. Invoices could not be paid without original receipts; goods could not be brought into the country without original documentation. We have records to prove that over the course of the contract we have supplied five (5) full sets of all documents and financial records.

"**Point 4:** 'The main consultant was appointed on a non-competitive bid.' The statement is incorrect, as is the statement that the fee represents 25% of the project costs [and I spoke about that earlier]. The contract for services was awarded through an international competition. There were 51 submissions; the committee selected 5 companies to submit tenders. The terms of Reference called for a three-phase submission (1. Research, 2. Feasibility, and 3. Implementation). The then Minister of Tourism Mr. Boddin, awarded and signed a contract based on the committee's recommendation.

"The National Trust of Cayman Islands managed the first two phases of the project. The Ministry, at the Historic Sites Steering Committee's request, managed the three-phase implementation. The development plan was used as a basis of work. It was presented to the Legislative Assembly and an approval to proceed was given by Executive Council.

"Our fee proposal was based on the approved plan. Under the terms of the Implementation Phase, the fees and expenses represent the cost of services to project manage both Pedro and Botanic. Our fees for design and project management for the combined projects are approximately 10.5% not 25% as stated in the auditor's report.

"Commonwealth became involved with Botanic while working on the Pedro Project. Commonwealth was one of the three firms who submitted tenders. The contract was awarded initially to Judith Parker. She withdrew and it was then awarded to Margaret Barwick. She did not feel she could manage a project

of this scope at which point we were asked to take it over.

"**Point 5:** 'The Consultant was awarded six non-competitive contracts.' This statement is inaccurate. The furniture contract was tendered. The cost was prohibitive and Commonwealth was asked to act as agent for direct purchases. This was discussed with CDB and they initially agreed to reimburse for artefacts purchased and expenses. They outlined a procedure, which had been followed in Barbados. We used a consultant Claudette Shaw to frame the project, locate some of the pieces, and provide curatorial services. This project was further complicated by the fact that the National Museum would not allow Commonwealth to purchase antiques from the Cayman Islands.

"Landscape was tendered with the exception of the labour component. The contract was tendered, part going to EMS Landscaping, part to Crawford Dilbert, and the purchase of the material and plants to DDM Horticulture.

"The Supervision and Labour was not tendered. The Ministry and the Botanic Park Steering Committee wanted to ensure that trained gardeners were available to carry on the ongoing maintenance once the project was completed. Commonwealth agreed to supervise, direct and provide training. Major components such as installation of an irrigation system were taken on, as were clearing, building paths, the construction of lake, the traditional Caymanian stonewall, and the planting of material shipped from Miami under the DDM contract.

"In discussion with Caribbean Development Mr. Lawrence suggested that a similar system be put in place for Pedro. He agreed to cover off-the-shelf purchases for plant material and all tendered services. The cost of labour would be CI Government responsibility.

"The Multimedia Contract was tendered and the Steve Shaw bid submitted to Government as were components including the hardware contract that went to Globalmic. Commonwealth's role as research and facilitator was not tendered but was taken on as an extension of the original project management contract. The interpretative contract was not tendered [and that is the signage we talked about].

"**Point 6:** [Certain payments against these contracts are not consistent is the point he is now referring to]. CHRMs is not clear as to what point 6 is referring. The only Contract that has been brought to Commonwealth's attention is landscaping. We received a letter dated February 1999 asking for additional information that we are providing. The information was initially provided to Max Jones PWD. At our meeting in the Auditor's Office, March 4, 1999, we were told that none of this information was passed on. Max Jones claimed that the Auditor's office had taken away all of the documents supplied by Commonwealth.

**“Point 7:** ‘The Audit’s Office considers that Government’s interests were not adequately protected through contracting with a small company.’ This comment is absurd. Commonwealth is an established firm, which has been in business since 1984. Commonwealth is involved in contracts in the Caribbean valued at more than \$40 million. We own property in the Cayman Islands and continue to provide services to other clients using the Cayman Registered Company. For promotion and marketing reasons the Cayman office and an international company were incorporated. It was at the recommendation of the government that the contract was awarded to the Cayman company. I would like to know who provided this information. It was my impression that it was confidential.

“Your concern about difficulty in recovering excess or inappropriate payments is, as you know moot. The Cayman Islands is and has been notorious for not paying its accounts. Many of the problems related to this project can be traced directly to chronic failure to meet obligations. In accordance with our contract Commonwealth is entitled to interest on unpaid invoices. At the present time there are accounts outstanding since 1996. At this date—six months after the project was completed—we are still owed in excess of \$175,000 CI in fees and expenses plus interest on unpaid accounts totalling more than \$75,000.

**“Point 8:** ‘The service of the main consultant was terminated in 1997.’ Commonwealth services were not terminated. We continued to provide services up until the completion of the project and the grand opening. The management of the visitor centre construction was taken over by PWD. All other aspects of Commonwealth’s contract were continued.

“The second point that considerable investigation effort is underway. It is Commonwealth’s understanding that responsibility for the investigation effort rested with the Ministry of Tourism who is also responsible for PWD. Commonwealth has continued to work closely with the Ministry responding to questions in full disclosure of all material related to contract issues and invoices approved for payment.

**“Point 9:** ‘A major problem in obtaining compensation from Caribbean Development Bank.’ It is Commonwealth’s understanding that with the exception of the Furniture Contract all aspects for which compensation was sought have been approved.

“This is the first historic site that the CDB has financed. Their rules and regulations are inadequate for dealing with the specialised nature and unique requirements of a restoration project. When dealing with the development of a country’s cultural resources the criteria are more different than building an airport. To apply the same rules and at the same time protect resources and respect to community is, as we found out, an impossible task. How do you tender the purchase of one-off artefacts? How do

you protect an archaeological site while at the same time undertaking landscape construction? These are the safeguards, which Commonwealth provided as part of our services—historical accuracy and respect for the integrity of the site’s history.

“A case in point is that during the construction of the visitor centre a major archaeological deposit relating to the historic site was bulldozed without any effort or acknowledgement to document the remains. For PWD and CDB this was not an important consideration and as a result the Cayman Islands lost an opportunity to learn more about their premiere historic site.

“Similarly, when the Watler House was moved onto the property, no as-found records were prepared and when the footings were installed the building was set 1½ inches above its original grade. Which means the building is too high and as a result the public will receive incorrect information about this historic building being interpreted as a restored Caymanian house.”

That was the end of the letter, Madam Speaker.

**The Deputy Speaker:** Honourable Minister, could I ask you to lay a copy of that on the Table? When the Serjeant-at-Arms comes back, he can do a copy.

**Hon. Thomas C. Jefferson:** Certainly.

**The Deputy Speaker:** Honourable Minister, is this your original copy? Could we have the Serjeant-at-Arms photocopy it so that a copy can be laid on the Table?

**Hon. Thomas C. Jefferson:** Madam Speaker, when we came to the end of this exercise (and many toes have been stepped on, including John Stewart’s) I was asked to help talk to Mr. Stewart and to see if we could finalise the accounts of Pedro St. James with CHRM.

There was a point when (as we read in the letter) Mr. Stewart was seriously thinking about taking legal action. Mr. Jones who was then the Project Manager for the visitor’s centre, who was trying to finalise these accounts with CHRM, did call and ask me to assist in the process. He did that in a memorandum to me.

In one of the paragraphs, he said, “**Prior to the conference call, the Permanent Secretary for Tourism, Minister Jefferson, and Max Jones agreed that it was essential that these contracts be settled without resorting to legal action.**” This was written by Mr. Jones of Public Works.

“**Government’s position in any legal proceeding would be weak as the original project management contract was based on the Botanic Park project and the Pedro Castle project proceeding concurrently. The decision to use CDB’s funding delayed the start of the Pedro Castle project and subsequently the two projects did not proceed concurrently. In any legal proceeding, it is most likely that CHRM’s council would request that as the project management con-**



**tract was not carried out as intended that it be evaluated as two separate project management contracts. This would likely prove successful and much more expensive to Government than CHRM's current claim. Hence it is essential to settle the CHRM contract at as low a price as possible while bearing in mind the above."**

We were successful in settling that claim to the satisfaction of Public Works and CHRM.

One member made a remark about the length of time before this motion was debated. The rationale is because the Auditor General was still carrying out his work and we thought it was fair to allow him to finish his work so that we see whether there is any substance to the many remarks on the marl road as well as innuendoes about irregularities.

Having been at the site since March 1999 (and I am not trying to say that he was physically sitting there from that period of time but he had it under his examination since March 1999), which is a year ago. I haven't heard any evidence to proceed on criminal matters, and I would have thought that if there was evidence that it would have shown up by now. But I can go on to say too, Madam Speaker, that while he carries out his exercise now or in the future, if it is evidence on Thomas Jefferson's dishonesty he is looking for, he should not waste his time. He will never find it.

I know there are people walking around Grand Cayman, particularly in West Bay but they venture to George Town sometimes too, making all sorts of wild accusations about what went on at Pedro St. James and trying to pinpoint and cloud the public's mind that fraud has been created. The Auditor General has not found any evidence after a year. But this is all tied up with some other matters and it is wholly political. It is nothing to do with the minister not believing that he is accountable or the minister believing that he should not be questioned. That is not the point. I have been in here answering questions for a long time and I know that when you reach the top, you are going to get criticism. I know that when you stick your nose out and say that you are going to be in politics, there is one way they damage you and that is to spread rumours that speak to your integrity and try to cloud the minds of the public about your integrity.

Madam Speaker, there are a lot of people spreading these rumours. I am not pinpointing anybody at this particular time. I think if we are all listening I would say initially it is happening in West Bay and sometimes it wanders up to George Town. I don't think you need to be an Einstein to figure out what I am talking about. But it happens in Bodden Town too because I have heard it from Bodden Town people. Those who are speaking the loudest, making the wild statements about irregularities and fraud . . . you know, if you live in a glass house you should not be throwing any stones.

The financial side of Pedro St. James, or should I say the Tourism Attraction Board which also includes Botanic Park . . . the financial statements are not to the end of December. Actually, this was done some months

ago. The asset value of what we have at Botanic Park and Pedro has now been reconciled subject to the views of the Auditor General, so that we are now in a position with his agreement to table the financial position of the Tourism Attraction Board. Yesterday I made reference to the fact that we are beginning to move into the cruise ship tour packages on land. We have a number of tour operators that are bringing visitors to Pedro as well as to the Botanic Park and we see this number.

I remember when we tried to do this with the Turtle Farm. People were not certain it would happen, but there was a little trickle, and the trickle went forward to a bigger trickle and finally we reached the stage where the total number is now a number that people respect. The same thing will happen with Pedro St. James, I have no doubt about that.

I know too that the operation at Pedro St. James, which is under my Permanent Secretary, who is the temporary General Manager . . . and we are working closely with the staff at Pedro St. James as well as the Botanic Park. We will do whatever it takes giving fair play to all staff and dealing in a professional manner with the way forward with this statutory authority, the Tourism Attraction Board, to ensure that we make a success of this project.

I believe we have a golden opportunity. I certainly believe the fallout on this that has been going on for the last year is not any help to the project. I am not suggesting that any matter be stifled, but I think common sense dictates that when you have a project that becomes a political football it damages the operation of the project. In every department, there are weaknesses. In every statutory authority, there are weaknesses. And when you put it under the political microscope each person picks out that portion that he or she wants to make an issue out of and therefore dampens the attractive image of the project to the public.

I know that I could really take issue with many of the things that were said here and really get personal about it. I think sometimes when we make wild statements without facts—when they say that Steve Shaw's buddy of CHRM, Mr. John Stewart, was not a man of integrity—I think they should make these statements outside of the House where they have no immunity and let's see what happens. I will bet that they end up in court and I have serious doubt that they have the facts to back it up.

I have no axe to grind for or against Mr. Stewart. Some people would say, *'you didn't answer my question when I asked whether this organisation and this individual, John Stewart, was investigated in the early days.'* I cannot answer about the early days. I wasn't here in the early days when they selected him. But I can tell this House and the public of this country that I have investigated and there is no evidence of him doing anything wrong. Yet, some people say I am gullible. But I guess they have to say something. It is all politics, Madam Speaker.

You know, when you think about the Cayman Islands and you look at the political history of it, even if you

go back over the last thirty years from 1972 coming forward, most of the people who lost the election, lost it by some politician damaging his or her name in the public. That's how they lose it in the majority of cases. This motion in my view is seeking to do just that about Thomas Jefferson. I think quite frankly that some people should not have perhaps entertained the wish of somebody else to put this motion here.

Madam Speaker, I think I have covered all of the matters I wanted to cover. I believe I have taken the time to try to answer in a chronological way beginning from September 1990 and moving forward on this project. I believe I have indicated the painstaking methodology used in moving forward on this historic project—this unique important project—to get it right for the people of the Cayman Islands so that what we have is something that represents the building that was constructed in 1680.

I believe, Madam Speaker, that if you look at projects of this complexity and magnitude, you will find something that didn't go right. I believe at this particular time that is also true of Pedro. But a lot of this is really history. We are dealing with 1997 and 1998 and we have looked at invoices. We have called for additional back-up information. According to Mr. Stewart, he has supplied it and I do not know what else will help to clarify matters further.

I believe we have ended up with a project with a construction cost of \$6.9 million, which includes the project management fees of CHRM. And when you build the other items into the exercise—construction, interest due on construction, commitment fees and the cost of the land, it is now reconciled to be \$8.2 million of a project that was estimated at \$8.7 million. I believe that we have done well and I, therefore, now end my contribution or response to this private member's motion.

**The Deputy Speaker:** Proceedings will be suspended until 2.15 p.m.

#### PROCEEDINGS SUSPENDED AT 12.41 PM

#### PROCEEDINGS RESUMED AT 2.55 PM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 6/2000 as amended. Does any other Member wish to speak? The Honourable Minister responsible for Community Affairs.

**Hon. Julianna O'Connor-Connolly:** Thank you, Madam Speaker. First, let me apologise to you and all other honourable members for the poor quality of my voice. Nonetheless, I deem it necessary to speak on this debate so I trust that I will have your full indulgence throughout. Thank you.

Like most other honourable members in this Parliament, I now rise to give my contribution in respect of Private Member's Motion No. 6/2000 as amended, which as

we have all heard deals with the investigation into the Pedro St. James construction project account.

Madam Speaker, you would be fully aware of the fact that the Auditor General Report, that is the 1997 Report, included an interim report dealing with the Pedro St. James Project. In that report it's a given factor that the Pedro St. James is a major new tourism attraction, which the Ministry of Tourism sought to develop as part and parcel of the tourism product even from the time when Mr. Norman Bodden was responsible for the Ministry of Tourism.

Back in 1991 (that is about some nine years ago) the former government purchased the piece of property as an initial step towards developing this as a tourism project and subsequent to that they established a Historic Sites Committee. As I understand it, the main function of the Historic Sites Committee was to oversee the Pedro St. James project.

I also believe that there are many historical values of the Pedro St. James project and from as early as 1780, we see that the Pedro Castle (as it was then referred to) served for many different purposes and functions. For example, history reveals to us that it was used as a meeting place, a prison, a pound, and even a court house, and at times, a restaurant and a spell as a private residence.

Madam Speaker, if one would turn their attention to page 81 of the 1997 Auditor General's Report, the Auditor General states, "**Through restoration and modern use, the property** [that is, the Pedro St. James property] **will provide a legacy for future generations.**" So, Madam Speaker, there is absolutely no doubt in my mind that the restoration of Pedro St. James was and still is an important move and an important tourism product. Indeed not only this present generation but future generations that come will be able to see the significance of this project not only from a historical perspective but also that because it is one of the most beautiful tourism products in the region.

Presently, Madam Speaker, Pedro St. James, as I understand it, is managed by the Tourism Attraction Board. And, like all other government departments it is subject to an annual audit and I am sure the Auditor General would do likewise with this project, as he has just done. However, having said that, with any large project, especially new projects, it involves an element of financial risks as many of the financial presumptions are used to come to a financial analysis—and they are just that, Madam Speaker, they are presumptions. Some indeed are refutable. But we all know that nothing ventured is nothing gained.

As I understand it, the main concern appears to surround the restoration contract of the Pedro St. James Project. Initially, the Auditor General on page 82 of the 1997 Report made the presumption that the final cost was in the region of \$9.5 million. One must however appreciate that this is a mere estimate and by the fact that he chose to use the terminology "appears" tells me that this was not a statement of fact. But he utilised the in-

formation he had at the time, and, given the circumstances, made an estimate or presumption with such information. Therefore, it is my respectful view that one cannot justify using the figure of \$9.5 million as being edged in stone for the total project cost in the absence of other concrete information.

The Minister of Tourism has just concluded his contribution, as have other honourable members, and I believe many facts have been brought out on both sides of the argument.

As I understand from what the Permanent Secretary of the Ministry of Tourism said in a recent PAC Meeting, the figure (that is the total or the final project cost figure) when rounded off is some \$8.2 million. It is also my understanding that the restoration part of the project rested with the Ministry of Tourism and the Historic Sites Management Committee. So, it was a combined effort and not the minister in isolation.

We also see, on page 82 of the Auditor General's Report, where he says, "**In hindsight it is evident that the ministry personnel were untrained and ill-equipped to deal with such a complex project.**" This tells me two things: firstly, the words "in hindsight" gives rise to the presumption that no reasonable foresight of the Auditor General's findings and/or allegations by the two entities responsible for technical and financial oversight of the restoration element could be entertained. And, secondly, that the Auditor General clearly stated that the project was such a complex project.

In my view, these are two very crucial and important issues. In fact, they are independent circumstances or evidence that one should give the full consideration of prior to concluding that there is a lack of confidence in the honourable Minister responsible for Tourism.

I also believe that the following question should perhaps be posed by all and sundry. That is, firstly, did the minister and/or the ministry take reasonable steps to solicit assistance with this project taking into account that it was a new, large and complex project? And, if so, was this contract put out to bid? It is my understanding that it was deemed necessary to contract with a consultant, who apparently was a specialist in this particular field, that is, in the area of restoration. In fact, this contract was tendered, if my information is correct.

It appears that the consultant then evolved into the role of a contractor as well. And on page 83 of the 1997 Auditor General's Report, which again, in my view, he is a capable individual with equally capable staff, and even he admits, and I quote, "**This is a highly complex area and the Audit Office has engaged specialists assistance to advice on the interpretation and execution of certain contracts.**"

Madam Speaker, one of the main attractions at the Pedro St. James project is the multimedia theatre and according to the 1998 Auditor General's Report, this multimedia production contract was also put out to tender. And, as a result, a company by the name of Steve Shaw Production (SSP) was awarded the contract. This was

approved by Executive Council for the SSP to become a subcontractor of the CHRM.

Madam Speaker, on page 42 it also becomes quite evident that it was agreed that CHRM would be held liable. Let me repeat this: Page 42 of the Auditor General's Report says that "**CHRM would be held liable for proper performance of the subcontractor and that payments for services would be made directly to CHRM.**" So, here we see a situation whereby a main contractor and a subcontractor are evolving and, therefore, according to law there then arose no privity of contract between the subcontractor and the Ministry of Tourism, and indeed the Minister of Tourism. Therefore, any transactions between the subcontractor and a main contractor . . . there is a confidential nature based on the Law of Contract that the veil of incorporation cannot be so pierced unless there is evidence beyond all reasonable doubt for a court or an arbitrary body to so order.

Madam Speaker, the subcontractual relationship was the sole responsibility of CHRM. This entity, in my view, was responsible for the day-to-day management or the day-to-day affairs of the project—and not the ministry nor the honourable minister.

If I could deal briefly now with the direct labour agreement that we heard quite a bit of mention about in the various contributions to this private member's motion as amended. We see that on page 43 of the 1998 Auditor General's Report, paragraph 3.6 says, "**. . . the Caribbean Development Bank suggested that a similar arrangement be put in place for Pedro St. James.**" That is, as it relates to the trained gardeners who were available to carry out the ongoing maintenance. Similarly, they were referring to what had been put in place at the Botanical Park in the eastern part of Grand Cayman.

Again, we see that CHRM agreed to supervise, to direct, and to provide training—and not the minister. This therefore, in my view, created a fiduciary relationship between CHRM and the subcontractor. Therefore, I would submit that CHRM had a duty to act at all material times in the best interest of the ministry, the minister, and indeed the entire Cayman Islands Government.

Madam Speaker, before this honourable House can resolve to record any lack of confidence in the honourable minister, I would put forward that careful analysis must in fact be carried out first to ascertain who was responsible for the direct handling of the Pedro St. James Project. I believe that there is evidence in the Auditor General's 1998 report that the cost of the labour contract was government's sole responsibility. But let us take time to look and see what the Auditor General says about this direct labour report since this is one area that we can say solely rests on the responsibility therein.

On page 43 of the 1998 Report, he says, "**A direct labour scheme seems to have been a very good approach and one which, in the circumstances, offered several advantages over a conventional tendered contract, including [these were the advantages] flexibility, training and potential cost reduction.**"

He further went on to state that the audit office is fully satisfied that the gardeners on the project were paid at the specified rate and that the auditors were also satisfied that the work paid for was actually performed.

So, we see here an example where the ministry had direct responsibility and the Auditor General clearly and categorically makes two very important statements of fact: first, that in the circumstances, the direct labour contract was a very important one and one that should have been done. And also he found that the work was indeed carried out and the funds paid were in keeping with established current rates at the time.

What is also of utmost importance is also borne out on page 43 of the said 1998 Auditor General's Report. It notes that one salaried officer was paid through the direct labour contract. One may ask why this is a significant factor. In my view, because prima facie this could be perceived as an element of mismanagement. I wanted to see who would be ultimately responsible so I took the time to look very closely at what steps or conclusions the Auditor General came to at this particular point in his report.

We see that on page 43, the Auditor General states, **"The consultant/contractor was invited to provide an explanation . . ."** It was not the ministry and it was not the minister who was invited to provide an explanation. I have to agree with the course that the Auditor General took at that particular instance because he had a legitimate expectation and he in turn called upon the person who he deemed responsible to give a response and that was the consultant/contractor.

Further, Madam Speaker, we see in the Auditor General's report that he gives confirmation that they (meaning the audit office) have provided full details of the cost uplift to the Ministry of Tourism who agreed to investigate this matter. This small piece of circumstantial evidence tells me that the ministry and the Minister of Tourism therefore cannot be deemed to be persons or a legal entity where one would want to express a lack of confidence if a matter is brought to their attention by the Auditor General and he confirms in the same report. So, there is no question of credibility because it is that same report that allegations are being derived therefrom—the same author of the report has said unequivocally that the Ministry of Tourism has agreed to investigate this matter.

Someone that has no credibility or takes no time to ensure that things are done above the board would not be anxious or would not confirm that they were willing to investigate the matter, and this cannot be said on behalf of the Ministry of Tourism. This is evidence that the ministry is responsible and they are prepared to act within the ambit of fairness and indeed accountability.

On page 45, we also see that it was the duty of the consultant/contractor to provide a budget and the report tells us that a report was in fact provided in March 1999. Apparently, this report had a number of apparent mistakes and, again, the Auditor General sought clarification from the responsible party—that is, the consultant. There is absolutely no inference, direct or otherwise, that the

Auditor General sought clarification or response from the Ministry or the Minister. It clearly says that he sought it from the consultant/contractor.

This, in my view, was also confirmed by the Ministry of Tourism that the contract between CHRM required the consultant—and not the ministry—to maintain clear financial records for both parties. So, the functions are clearly set out. There is no clouding of the functions or the roles and the Auditor General being a man of high calibre himself has quickly picked up on the functions and, therefore, has gone straight to the accountability and the persons so accountable.

On page 47, we see the Auditor General also in his 1998 report saying (and I quote), **"Ministry personnel did not at any time assume the role of project manager. This [he says] was the responsibility of CHRM who were responsible for certifying invoices for payment. The Ministry personnel relied upon CHRM's certification of invoices, as did the Treasury Department."** That is why you hire a consultant, Madam Speaker, for such specialist advice.

The Auditor General further went on to say that it would not have been practical for the ministry officials including the Minister of Tourism to physically check the delivery of goods and services to the sites against the contractor/consultant invoices. I believe that this statement is extremely important and also because it is an independent statement, it is not merely coming from the Minister of Tourism or even from a government minister, it is coming from the Auditor General himself. I have every confidence in him, let me just say that at this stage.

Having said that, I truly believe that had the Auditor General had any reason to believe that the ministry or the Minister of Tourism was responsible for the certification of invoices he would have said so. More importantly, if he felt that they were involved in any criminal activities he would have asked the honourable Attorney General to consider the facts with a view of commencing criminal investigations and/or prosecution. Has this been done, Madam Speaker? I say no.

Attention should also be given, I believe, to page 49 of the Auditor General's Report. He says, **"The consulting contract contains clear directives with regard to the financial management, tendering and contracting of the works, which do not appear to have been adhered to. The consultant [not the Minister] has not followed the established financial management procedures required to adhere to the terms of the contract and to administer the works with the diligence required by the Employer."**

Who is the employer, Madam Speaker? It's the Ministry of Tourism. And here we see, again in black and white, evidence that the ministry and the minister required diligence to be carried out by the main contractor/consultant. Again, nothing here talks about the ministry or the minister having to administer the Pedro St. James Project. The onus therefore, in my respectful view, is clearly upon the consultant/contractor.

The Auditor General in dealing with the role of the ministry, which I thought was an important and necessary function to carry out, stated on page 51 of the 1998 Report, "**Ministry personnel appear to have acted in good faith throughout.**" As other speakers have pointed out, from the beginning to the end the Auditor General was fully satisfied that the ministry's personnel acted in good faith throughout. I don't think that one could ask for a much better attestation from a man of the Auditor General's calibre.

Madam Speaker, can this honourable House then in good honesty resolve to record a lack of confidence in the Minister of Tourism for the handling of the project when in the very Auditor General's Report—which has been heavily relied on to try to prove the allegations—is a statement which says, "**Ministry personnel appear to have acted in good faith throughout**"?

The Auditor General concluded by saying, "**In hindsight** [as we all know hindsight provides us with the opportunity of 20/20 vision but we do not live in a perfect world], **independent expertise should have been secured in order to monitor the contractor/consultant performance to enforce compliance with the terms of the various contracts and ensure that Government's interests were safeguarded.**"

I believe here that the operative words are 'in hindsight.' This tells me that the Auditor General was not of the opinion that any actions or indeed inaction on the part of the ministry or the minister were foreseeable and cannot be held to be intentional. Therefore, Madam Speaker, in order for one to record a lack of confidence in the honourable Minister of Tourism, I submit that they must prove beyond all reasonable doubt that he, himself, mishandled the Pedro St. James Project.

The answer to this is clear in the Auditor General's Report (that is, his 1998 report) when he makes specific reference that the ministry's personnel appeared to have acted in good faith throughout.

Madam Speaker, there is yet still another piece of concrete evidence which is borne out on page 55 of the 1998 Auditor General's Report (and I quote), "**With the encouragement of the Hon. Minister of Tourism, the Audit Office has carefully reviewed the summary project cost information prepared by Public Works Department and performed a reconciliation to the Treasury general ledger as far as possible.**" Does this sound like someone who mismanaged the project? Or does it imply that such a person wants to see things right? It clearly states that this audit, this reconciliation was done with the encouragement of the minister.

In addition, according to the Auditor General's Report, which I believe is the report we can reliably refer to, I quote, "**The Ministry of Tourism subsequently engaged a financial controller for the Tourism Attractions Board . . .**" who we have heard is responsible for the management of Pedro St. James as well as the Botanical Park. Madam Speaker, to me this does not sound like a minister that you cannot put your confidence in.

There is much more that I could actually say if I was not having problems with my voice. I went to particular pains not to get into any personal elements of the motion because I believe that debate should not go there as far as I am concerned and I have no intention of going there. I tried to show that from the evidence as contained in the 1997 and 1998 Report that when one takes the time to look at the whole picture everything is not painted black. And I believe that we must look at all of the circumstances contained therein if we are going to make such a serious call a lack of confidence in any minister—the Minister of Tourism or otherwise. I am sure that all honourable ministers should know me well enough that if I am persuaded, regardless of collective responsibility, that any minister on this side has not conducted himself or herself in a proper perspective that I would be the first to ask His Excellency the Governor for permission to be removed from the collective responsibility to exercise a conscious vote. I did not deem it necessary in this particular instance and I felt it was my duty to stand up to contribute as to why I have arrived at that position.

Before taking my seat, Madam Speaker, I understand it's the birthday of the Honourable Minister of Tourism and I wish him a Happy Birthday. I thank you.

**The Deputy Speaker:** Does any other Member wish to speak? The Honourable Minister responsible for Health.

**Hon. Anthony S. Edén:** I would just like to make a few comments on this motion. As we all know extensive debate has taken place on this motion, which was first tabled in this Honourable House in June last year—almost one year ago.

The fifth WHEREAS section of the motion reads, "**AND WHEREAS all reports thus far indicate mismanagement—**

**The Deputy Speaker:** Honourable Minister, that has been amended to read, "are self-explanatory."

**Hon. Anthony S. Edén:** Thank you very much. I didn't have that part here with me. Anyway, most of this could have been based on that. I will say that what I have heard from the honourable minister in the last two days, the comprehensive approach that he has used, quite a bit of the information has been enlightening to me. As he pointed out, the firm CHRM was actually put in place before he took over the ministry.

Another area that he pointed out was that CHRM was not actually terminated as may have been suggested, but was in place until the official opening of Pedro Castle in 1998.

One other area that was cleared up was the area of the irrigation system, which, as was pointed out CDB actually suggested that they use a system similar to that which was used at Queen Elizabeth II Park. I must admit that when they spoke about the crabs cutting through, at that time I was under the assumption that it was a PVC type of fitting. I did not understand how that could hap-

pen. Now, that it has been pointed out that it was a rubber type of hose that does make sense.

The other area pointed out by the minister was that the ministry actually funded (to the tune of approximately \$10,000) the Auditor General to look at the landscaping contract. I think that if it were anything that the ministry may have been concerned about, they would not have volunteered to offer these funds from within the ministry to try and get this resolved.

As was said earlier on, there was some concern, yes. But with what I have heard presented by the minister, I feel that he has vindicated himself of any possible misunderstanding or any other problem that may have developed while the construction was going on.

As was pointed out by a number of speakers when CDB did the estimate of \$8.7 million . . . and the actual cost, which has now been reconciled to the \$8.2 million. The project came in under the budget.

As a matter of fact, this was also reconciled through the assistance of Public Works and maybe when this information comes out, this will cast things in a different light than when the motion was done almost a year ago.

Madam Speaker, this Pedro Castle entertainment centre is in the district of Bodden Town, and I think all of us Bodden Towners are pleased to have such a wonderful facility that has provided a number of jobs for people from the district. I hope that as the situation evolves and goes forward, that it will be a profitable endeavour. And I feel it will be that as we go forward. As the ministry continues to do the promotion, it is just a year old and there is a degree of success that has taken place.

Madam Speaker, that is all I would like to say at this time.

**The Deputy Speaker:** Does any other member wish to speak? (Pause) If no other member wishes to speak, does the mover of the motion wish to exercise his right of reply? The First Elected member for the district of George Town.

**Mr. D. Kurt Tibbetts:** Thank you, Madam Speaker.

Perhaps, Madam Speaker, as the Auditor General said during the last two of his annual reports with regard to the Pedro St. James construction project, in hindsight had the seconder and I realised that this motion would have allowed an opportunity for certain members of this honourable House to deal with many areas which are far outside the ambit of the motion, we might have crafted it in a totally different fashion.

So that I may feel comfortable in my doing what is called the 'winding-up' of the motion, I would like to seek permission from the outset to be able to refer to various statements made by every other member who has spoken on the motion. Perhaps it is best to deal with all of that first so as not to cloud my delivery. And when I am through with that, I will then sum up why I believe the motion was not ill founded, and why I believe the motion has merit.

Madam Speaker, the first person that I wish to refer to is the Minister of Education. And being the good leader of Government Business he is, he certainly set the tone immediately. As he started he said, and I quote: **"Thank you, Madam Speaker. This motion before the House is one that is not well founded on facts. It is one that deals with a lot of suppositions and it is one that is aimed to directly attack the Minister of Tourism. That is the light that it has to be taken in."**

So, from the very beginning, he made it very clear to his colleagues that his motion—regardless of what I may have said in presenting it—had to be taken in the light that it was a personal attack on the Minister of Tourism.

Madam Speaker, in my view, being the lawyer that he is, having the ability to twist everything the way he wishes it to be, the minister realises with a little bit of thought (that is, the Minister of Education) that the only way to reply to the motion and bear any fruit was to try to cloud the issue with other issues to divert the focus from what the motion was calling for—the things that he could wallow in and rub up in the way he usually does so that he would have something to say.

Now, if I or the seconder of this motion (and I think I can speak for him) wanted to gear the motion with any type of personal attack on the Minister of Tourism, the motion would not have been presented in this manner. By the . . .

Madam Speaker, I see the Minister for Agriculture is back, and all of the other ministers have spoken. Perhaps I need to pause and allow him to speak, if you would allow that.

**The Deputy Speaker:** Honourable First Elected Member, I gave every member in this Chamber an opportunity to debate this motion. I cannot at this time turn back to allow a member to speak. So would you continue with your debate, please?

**Mr. D. Kurt Tibbetts:** Thank you, I was just being generous at the time, but I kind of knew that it could not happen.

Anyway, as I was saying, the motion would not have been crafted in the manner it was, and we would not have gone to the pains that we did if the intent was to cast aspersions or make any direct attack on the minister. Let this be understood clearly: If it was my intention it would have meant that I felt it was justified to do it, and I would have done it. Here you have a bunch of individuals, either the blind leading the blind or some with blind loyalty who have simply taken what the Minister of Education said as a given, and that is how they have debated the motion.

Then, Madam Speaker, the worst one of all, I mean the absolutely worst one of all is for anyone in this Chamber or outside of the Chamber, any one of us as legislators to even think that there is anybody in this room that could either coerce or manipulate this fellow to bring a motion to suit their own means. He is sick bad in the head and it is either their memories are very short or

they don't know where I come from or they don't remember how I got here.

I want to put this on record: when the seconder and I deliberated about this motion, it came as a direct result of what the first two Whereas sections in the motion relate to. They read:

**"WHEREAS there is much public concern over the development costs of the Pedro St James project;**

**"AND WHEREAS many members of the public have approached some Legislators expressing concerns over these costs."**

That is where it all started. When we were dealing with the motion at the very beginning, there was no other Member of this Parliament who had any hand in it. In fact, I am going to also go on record because I have nothing to hide . . . and not to cast aspersions at anyone, but I am going to go on record and categorically state that because the seconder and I were both aware of the political relationship between the First and Second Elected Members of the district of West Bay, we said, *'We want you to understand clearly if you take this motion, and because of the political adversity that exists, you use it in a manner that we deem to be unbecoming, on the floor on this honourable House we are going to disassociate ourselves from anything you might say in that manner.'* That is the Bible's truth.

So, when I hear the Second Elected Member for Bodden Town—who has been coached by the Minister of Education in my view (because what she said was what he said) . . . let me tell you what she said. Obviously she knew what she was saying because she started by saying, **"I rise to offer a short contribution to Private Member's Motion No. 6/2000 as amended, Investigation into the Pedro St. James Construction Project Account brought by the First Elected Member for George Town and seconded by the Third Elected Member for Bodden Town."** She said a lot of things that in my view had no relevance to the motion. But that is her right if her emotions regarding the project . . . although as far as I am concerned it had nothing to do with the motion.

When she was nearly through, she said, **"Madam Speaker, like everyone else, I clearly understand the intention of this motion. But one must realise that although some things have happened that should not have happened, there is no reason to doubt or question the integrity of the honourable Minister of Tourism, who is a very capable and professional man."**

I want anyone to take any part of the *Hansard* where I as the mover presenting the motion or the seconder, the Third Elected Member from Bodden Town (who spoke on the motion), said anything that questioned the integrity of the Minister of Tourism.

There is no one in here or outside that I am going to accept any insinuations from when I know that is not my intention. Do not tell me what is in my heart. Whoever is penning these speeches should not only understand

what "relevance" means but they should get their facts straight. That is what I have to say.

That same Second Elected Member for Bodden Town went on to say in closing, **"Although this motion is to place doubts in the minds of the people of possible mismanagement by the honourable Minister of Tourism for the Pedro project, it is totally unfounded and unfair."** There is the statement " . . . it is totally unfounded and unfair." I would think that when one makes statements of that nature, one would at least make a serious attempt to justify what one said. All that was talked about was who bought it and who sold it and nothing about what's fair or unfair.

**The Deputy Speaker:** Honourable Member if you are moving on to another point, is this a convenient time for the afternoon break?

Proceedings will be suspended for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 3.18 PM

#### PROCEEDINGS RESUMED AT 3.38 PM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. The First Elected Member for the district of George Town continuing his debate on Private Member's Motion No. 6/2000 as amended.

**Mr. D. Kurt Tibbetts:** I want to take a few minutes now to look at some of the things said by the Minister of Education regarding this motion. I want to prove his convoluted style. He has this way of . . . I guess you would have to say it is not that he isn't telling the truth about anything, but he chooses to tell the parts he wishes to make his case with and leave the rest of the relevant information out. Perhaps, that goes with the profession. I don't know.

By the way, let me make it very clear, I was not casting aspersions at the profession when I spoke about the minister. That related only to him as an individual.

Madam Speaker, during the minister's lawyerly style of delivery, he hinged on three points that he considered to be the three main points which threw away all arguments beforehand and those that might come afterwards. Those three points are: (1) you have a contract that the Auditor General says is fair and reasonable to both parties; (2) you then have a relationship between the consultant and the ministry in which the ministry relied on the consultant; and (3) throughout that full time the ministry acted in good faith.

Just before he came to those three points he read from page 51 of the Auditor General's report of 1998 as follows: **"The Auditor General states that, and I quote, 'Ministry personnel appeared to have acted in good faith throughout.'" He says, "what more can be asked of the Minister, his staff, and the Ministry of Tourism but to act in good faith throughout?"**

Before I comment on that, let me remind everyone that when I was making my presentation at the very be-

ginning of this motion, I read the same paragraph from that Auditor General's report, but I didn't just read that one sentence. I stopped at that one sentence and I went as far as to say that I would even have been prepared to take the word "appeared" out because I was satisfied that all concerned within the ministry acted in good faith throughout. That is not the question. I am satisfied with that. I am not questioning that.

The good faith and the actions of the ministry staff—including the minister—is not what I am questioning. I went to pains to make it very clear that I was not suggesting anything untoward with these actions. But he chooses to take that little line and make that statement and that clears the whole issue up because there was good faith. I know that. I believe that. I don't have any problems with that.

That entire paragraph reads as follows: **"It is clear that both the Ministry of Tourism and Treasury personnel relied on the certification of contractor invoices by the main consultant, CHRM. As the role of CHRM changed from consultant to contractor, the role of the Ministry of Tourism became much more difficult. Due to the lack of proper oversight, the contractor seems to have been allowed to ignore obligations under the existing landscaping contract and was permitted to arrange subcontracts to execute the works. The Ministry continued to rely on the consultant certifying invoices for payment, including his own as the contractor [and I am going to take about that but I want to finish the paragraph]. Ministry personnel appear to have acted in good faith throughout."**

But right after that, he qualifies his statement by saying, **"However, as administrators, they did not possess the technical expertise necessary to deal with a project of this complexity. The consultant did not maintain appropriate financial records for the project as required and, as a result, the ministry found it difficult to exercise meaningful control over contract claims. In hindsight [several other members have quoted from this paragraph] independent expertise should have been secured in order to monitor the contractor/consultant's performance, enforce compliance with the terms of the various contracts and ensure that Government's interests were safeguarded."**

Madam Speaker, when I made my presentation, I used this paragraph of the 1998 Auditor General's report to summarise the whole thrust of the argument. I want to take this paragraph right now and go through the sentences. I am now going to set the pace to explain why I still contend, having listened to everything everyone has said, that the motion has merit.

The truth of the matter is that I don't necessarily contend that I have a different opinion on the vast majority of what has been said. It is just that the vast majority plus three-quarters of the rest that has been said thus far trying to defend the position of the government is not addressing what the motion wants to address. They try

to tie it in and come back and make logic out of what they are saying, but they have not addressed the thrust of my argument with the motion.

I am going to take this same paragraph now, take a few sentences one by one and explain where I am coming from then I will go on.

The Auditor General says, **"It is clear that both the Ministry of Tourism and Treasury personnel relied on the certification of contractor invoices by the main consultant, CHRM."** Let me explain what transpired because of that. The minister asked, *'where is the beef?'* This is where my beef is, and I am going to explain it. Okay?

Let us take me, for example: I own a little company called Prestige Printers. On various occasions, I contract with the government to provide goods and services that my company does. I have a contract with Government Information Services to provide the Government Gazette. Whenever I am given a Gazette to do, I present a bill to Government Information Services. Now, for Treasury to pay that bill, Government Information Services has to check that what I am charging them for has been delivered to them.

They then certify my bill for payment to the Treasury because they have proven that I have delivered the goods at the price contracted for.

What happened in this situation, Madam Speaker, and this is where the real beef is. It is nothing to do with the Minister personally. Nothing to do with trying to—what did he say?—"dethrone Thomas Jefferson." I didn't even know he had a throne . . . anyway, it has nothing to do with that. I want to make the point, what was happening in this whole affair was that CHRM, who has been described in the documentation in front of me . . . by the way everything I have said before and I am going to say now is totally based on the documentation that I have.

So, CHRM as the "project manager/contractor" would send a bill from themselves and certify it themselves. Madam Speaker, listen to me carefully, if anyone doubts me they can test me anytime.

CHRM sent bills to the Ministry of Tourism and those bills on CHRM letterhead was certified by them to be true and correct. That is my beef! I am not questioning the good intentions and I am not suggesting that there was anything untoward. I am saying that the Minister, regardless of how technical the project was, should not have allowed that to be the system without an independent cost consultant verifying those bills. How could the Ministry staff say it was right?

How could Treasury whether it was right or wrong accept that the addition was right? That is the point, Madam Speaker.

They say that the ministry relied on these people. Nearly everyone who has spoken has said it. Of course they did; they had no recourse to say something else. In a memorandum to the Auditor General from the permanent secretary in that ministry, and I quote under the subheading of financial management, **"There is no formal agreement between the Ministry and CHRM**



**whereby the ministry assumed the full responsibility for the overall financial profile of the project. For the first two years of the project, the ministry personnel did not even have the technology required to provide the financials required to manage a project of this magnitude.**" This is from within the ministry. I am not making it up.

He goes on to say, "**CHRM was responsible for the proper performance of the subcontractors and all payments for such services . . .**" Hear this, Madam Speaker, I am going to say this again. "**CHRM was responsible for the proper performance of the subcontractors and all payments for such services were made to CHRM directly in accordance with the contract on submission of properly authenticated invoices** [which were properly authenticated by the same CHRM]." That is the whole problem.

Not one of them has addressed that problem and that is the problem. Because that is the problem does not mean that I stand here to accuse the Minister of Tourism of anything personally untoward or any dishonesty. Understand that. That is not what I am saying. If I wanted to say that I would tell him that, but none of them can tell me that what I am saying is not the facts, not my belief.

Madam Speaker, the whole point once again is that for Government's interest to be protected with proper procedure, there had to be an independent cost consultant, whether it be a quantity surveyor or any entity of that nature certifying that what CHRM was presenting was correct. They can talk about all of the committees they formed and they can name all of the good people. They are smart, Madam Speaker.

But, again, that is coming straight from the Minister of Education. When you try to hit him with anything about education that is not right, he talks about these 353 people that developed the Strategic Education Plan. Do you know what he does when he says that? He thinks that is going to scare any one of us from speaking the truth because he tries to say that if you go against it, you are going against them. That is not the case!

So they call Mr. Kirkland Nixon's name; they call this permanent secretary's name; they call these other professional names; the now Deputy Chief Secretary, who was then at some early stage in the game the Chief Engineer for Public Works, and all of those people. If all of these people whom we know and recognise as good and upright citizens were moving forward with the project, how can you question it?

The difference in the whole argument, when you get to the point I am talking about, is that they are out of it then. They have given all of their good abilities and resources to tell you what they want to achieve. They even go so far as to say that because CHRM had proven that all of the technical knowledge and expertise required is within that organisation, so that we don't lose track, and we make sure we get what we want at the end of the day, let's keep them and carry the process forward and convert them from contractor/consultant to project engineer, or whatever. I don't even have a problem with that.

When I argued early in the game about the minister taking a paper to Executive Council to waive Financial and Stores Regulations, and I questioned the ministry's ability or Executive Council's ability to waive it when the responsibility lay with the Financial Secretary, the minister said that I was wrong because it was neither he nor his ministry that brought any paper to Executive Council, it was the Financial Secretary. I accept that.

When I went through the Government Minute at that time I was reading a letter from the Permanent Secretary which addressed the multimedia situation that also went to Council, and I got crossed up. I accept that. That's no beef. But the point that I am making is after all the well intended circumstances drove the project to the point of the physical works, now you are out of the consultancy and you are going to build the restoration, you are going to do things now. You have created your concept. Everybody—National Trust, Historic Sites Committee, Ministry and all the good folks—yes, that is what we want. When it got beyond that, Madam Speaker, and the Financial and Stores Regulations were waived and it was time to contract these people, they have tried to justify that officials from Public Works said that the technical expertise called for by the nature of the project itself was not something that they had.

So, if the thought was that the normal procedure with government construction (government being the client which is usually handled by the public works) should be changed . . .

You see, when it got that far, I understand the minister's argument because she leaned her argument when it came to whether you wilfully did something but that is not my argument because I never told anybody they wilfully did anything.

I am not saying that. She has basically used the argument that because there is no proof that something was wilfully done you cannot record a lack of confidence because it is not something that was done with knowledge. That is what I understood the argument to be.

I am not arguing that anything was wilfully done the wrong way. But, having gotten to this point, if the procedure that is normally used is going to change, Madam Speaker, someone must have realised that the procedure was left with a void in it. It had to be.

You see, Madam Speaker, I used myself as an example about certifying the bills. I was saying that basically the way CHRM operated was as if I could certify my own bills and bypass GIS and send them straight to Treasury and they pay it because I said that was the case. That is what CHRM did!

Madam Speaker, I saw that with my own eyes so no one can tell it is not so. Okay? That's the problem. But you see, in this day and age you don't simply say because you have confidence in an organisation to perform the tasks that are supposed to be performed that you throw away your checks and balances. You just don't do that. You cannot do that.

Madam Speaker, however the chain of command decided on the procedure to follow, the fact is that void

was left there and not addressed. The people in the ministry, and I can only imagine this, but they must have been tearing their hair out of their heads trying to keep abreast of all of these things that were happening. The various speakers used examples to show how many different things were done to make sure the things were done right. But none of the things that they talk about fill this void. Not one of them! That is why I contend that they have not addressed the thrust of the motion.

They have chosen by and large, every one of them who had any substance to what they said, to lean the arguments to look at it from the point of view of whether somebody did something wilfully wrong or not.

I am not arguing that, and I am not even suggesting that. But what has happened because that void was left there when the whole procedure began to take place is the marl road talk the minister is talking about. That's why it has happened and that is the whole point in my argument.

Meetings took place and independent sources were drawn on to try and make sense out of the whole mess. Do you know what those qualified people with scores and scores of years of experience said? In all of their experiences here and elsewhere they had never seen a mess as big as that. When it came to trying to take all of the pieces and line them up together, they never saw a mess like that. That's what they said.

When I choose to lay an argument down regarding the situation, I am not suggesting that mess was directly created by that minister or his staff. I am saying that because the void was created and there was no independent cost management in place to certify the payments that went on, hence the mess.

Let us take a picture, Madam Speaker, because, you know I am even trying to go by memory here without reading a whole pile of stuff and taking that long. But if my memory serves me right, the ministry was quick from the onset to say to CHRM, the project manager, *'look fella, you are responsible for creating and justifying the accounting profile of the costing as we have to pay'*—not "us" but "you."

I think I better get that and read it right: "**7<sup>th</sup> December 1994. Attachment to the Government Minute on the Report of the Standing Public Accounts Committee, April 3, 1999. A letter from the Ministry or Tourism, Environment and Planning.**

**"Dear Mr Stewart: I have been directed to inform you that His Excellency the Governor acting on the advice of the Executive Council has agreed that the contract for the project management of both the Pedro St. James and the Queen Elizabeth II Botanic Park should be awarded to Commonwealth Historic Management Resource Limited."**

Let me take the opportunity (so that I don't have to read this again, Madam Speaker) to explain also to the minister where I took the position regarding who agreed to waive the Financial and Stores Regulation. This letter does not mention the Financial Secretary. The letter says, **"I have been directed to inform you that His**

**Excellency the Governor acting on the advice of the Executive Council . . ."** No mention is made of the Financial Secretary there.

Now, in the last paragraph of this letter, it says, **"The start-up fund of \$70,000 has been processed already and we are currently processing the balance due under this year's allocation. You [and this is addressed to Mr. John Stewart, CHRM, Pert, Ontario, Canada] are responsible for providing us with a monthly accounting of the expenditure of these funds and also for allowing us the full inspection of your records on this account whenever this may be considered necessary."**

So, you see, Madam Speaker, there and then is when it happened wrong. Right there! You are telling this entity that they are now being hired as the project manager—no tenders. Immediately they are responsible for providing the ministry with a monthly accounting of the expenditure of these funds. What that is saying is that as bills are sent in by you, the project manager—on your stationery, certified by you—that is what we are going to be taking as the authentic documents to send down to the Treasury and get the money paid. You are responsible for making sure that monthly accounts are kept on the money that is paid. No one to check it. That is where it went wrong.

As we speak of that, I want to tie this one in and refer to what the Minister of Tourism said with regard to the visitor's centre.

**The Deputy Speaker:** Are you reading from the *Hansard*?

**Mr. D. Kurt Tibbetts:** Yes, Madam Speaker, I am sorry. It is 12<sup>th</sup> April 2000.

**The Deputy Speaker:** I do not seem to have a copy of that *Hansard*.

**Mr. D. Kurt Tibbetts:** Madam Speaker, I was working them overtime, I must admit, and they probably don't have everything produced. But if you have a similar document to mine, it will be on page 7 of 12<sup>th</sup> April 2000, right-hand top of the page.

**The Deputy Speaker:** Okay.

**Mr. D. Kurt Tibbetts:** The Minister of Tourism said, **"In April 1997 tenders for the construction of the visitor's centre at Pedro St. James were delivered to the chairman of the CTC."** That is, you send the stuff out and interested parties who are qualified take the big documents, look at what you want and they prepare a bid and they then give it to the Central Tenders Committee (CTC). **"In September 1997, PWD, at the request of the Ministry of Tourism, took on the responsibilities of project management during the construction phase of the visitor's centre."**

The minister said, **“I think that when we look at the Auditor General’s Report he says, ‘we terminated’ the agreement with CHRM.”** That is not important, let us go on.

**“PWD, at the request of the Ministry of Tourism took on the responsibilities of project management during the construction phase of the visitor’s centre. October 1997, commence construction of visitor’s centre by Hadsphaltic.”** That means Hadsphaltic was awarded the contract.

He goes on to say, **“May I say that although that particular part of the project, that is the visitor’s centre, was estimated by CDB to cost \$1,097,000, when we put the matter out to tender the lowest tender that came in was \$1.7 million, almost \$1.8 million, and actually at the end of the day when we take the actual cost of construction of the visitor’s centre, it came in at \$2.3 million. CDB’s estimate of \$1.1, the actual cost was \$2.3 million.”**

**“When I compare that to the cost of restoring the castle, which was \$887,000 versus \$1.2 million, [which means the estimate was \$887,000 and the actual cost was \$1.2 million] I wonder why the focus wasn’t on the visitor’s centre, which was twice the amount of the estimate.”**

What the Minister is saying here, Madam Speaker, is simply this: Public Works was asked to take on the project management of the visitor’s centre and they went through certain procedures. Now, the original bid was \$1.7 million and it ended up being \$2.3 million. But I want to paint the scenario now and compare the two to show the void that was one but not in the other.

You see, what the minister is trying to say is: *Why are you not saying anything about the visitor’s centre when the end-of-day cost was half a million more than what the original estimate was?* That was the minister’s point.

Madam Speaker, in 1997 when the Public Works Department was asked by the ministry to take over the project management of the visitor’s centre, let me tell you what happened. When the bids were awarded and Hadsphaltic got the contract, Public Works then became the project manager, which meant that any money paid from the Treasury had to be certified by Public Works. That’s how it works. But you have Hadsphaltic as the contractor. Let us compare that to the other situation.

The same ministry is the client. The project manager before Public Works took over project management of the visitor’s centre was CHRM. With this one, instead of CHRM, it is the Public Works Department.

With the visitor’s centre, Public Works is the project manager but Hadsphaltic is the contractor.

With CHRM, CHRM is the project manager and they are the contractor. Everything else is a sub-contract. There are lots of other things the minister said to try to validate his point, but it is not going to wash when I am finished.

Now, as I explained, what transpired with the CHRM system and how the ministry had to rely on CHRM au-

thenticating CHRM’s bills . . . here was the difference with the visitor’s centre—and this was not mentioned in what the minister said. Public Works, after Hadsphaltic is awarded the contract . . . the minister can go and check this. I did not even speak to them, but I am wagering my bet because they don’t operate any other way. So, I am taking a chance but I am going to go with it because I am sure I am right.

Public Works (operating as a project manager for the Ministry of Tourism with Hadsphaltic as the contractor for the visitor’s centre) sent out a bid to a quantity surveyor, an independent cost consultant, to certify the bills that Hadsphaltic International kept sending in to them. So, your systems for Hadsphaltic (the contractor), to the independent quantity surveyor, to Public Works. When they do that, Treasury pays the Bill.

The other one, CHRM: CHRM, Ministry, Treasury—do you see the void? That is the void. That is the whole argument.

Now, the minister did not say what I just said about the visitor’s centre.

Let me tell you what will happen when you talk about an original contract of \$1.7 million and it ends up to be \$2.3 million. Again, I don’t know the details but because I have been in Finance Committee and staying up late so many nights trying to understand this and asking people a bunch of questions to understand this, I know how that works. If your system is in place, you get a bid awarded to a contractor for a certain amount of money but you have your contingencies and your variations.

If during the course of the contract somebody wants something changed in whatever fashion, therein lies where your end figure might vary. That figure will not change unless unknown and unaccounted charges are incurred that are not in the original contract.

Hadsphaltic could never write a letter to the ministry and say, *‘by the time we finish this it will be \$500,000, here is our stamp, pay it.’* That is what CHRM did. That is the problem.

For Hadsphaltic to be able to get one dollar more, they have to prove to the independent cost consultant based on the financial profile and the contract that was originally awarded that they are doing something that was extra, over and above that contract.

That independent quantity surveyor then physically goes and says, *‘okay, you have sent me a bill for so much more square footage of this. Yes, I see that is there. Now, let me work out what the price should be. I really don’t agree with you Hadsphaltic, I am not going to certify this because it should be \$20,000 less.’* That is how it works and then you row a little bit and then you come up with what is acceptable and then you go to Public Works on top of it.

The same man that we stand up in Finance Committee and give a holy hell to when we are ready, because we have our job to do, the same one that huffs and puffs sometimes at us . . . but we still make up and talk afterwards. Even when it comes to him, then he does another check.

Don't forget now that the independent cost consultant has to be paid too. So, he is not going to get paid if he doesn't do his job. After that entire exercise then they say, 'okay, Treasury here we go.'

However many examples I use it comes down to that one argument. Now, they will turn around—especially the Minister of Education, because that is just his style—and try to make it look like you are pointing figures at people in the ministry to say that they were not quite doing the right thing. Politics, you know Madam Speaker. They figure in something like this, you have to be very careful because you will turn the civil service against you and all this kind of foolishness.

Well, I am going to tell you what, I hope the civil service understands who thinks they are idiots from who doesn't because I don't have any fear of speaking the truth that I know.

I am not going to try to bend and twist anything to turn them against him. He doesn't stand much chance naturally anyhow, but that is another story.

**The Deputy Speaker:** Honourable member, would you please keep your remarks to the motion?

**Mr. D. Kurt Tibbetts:** Yes, Madam Speaker, thank you.

But the point at hand, in all seriousness, and I trust you will bear with me because anything that they said they said at least a dozen times. The point at hand, and I have used illustrations to prove the point and, in fact, the minister picked the right example for us to prove the point when he chose the visitor's centre.

You must have your system in place. You must have your checks and balances so that there is no risk when you are spending the country's money—risk meaning value received for money spent. That is the entire argument. It is a money argument. But it is not a money argument about anyone taking anything and putting it in his pocket.

The last resolve of the motion says, "**BE IT RESOLVED THAT upon completion of the technical audit of the landscaping contract for this project, any parties responsible for fraud, misappropriation, or any other illegal action be identified and be the subject of appropriate legal action and that this Honourable Legislative Assembly be apprised of the proposed course of action.**"

The Minister of Education talked about sub judice, which I accept. I don't have any problem with that. But I want to explain why this resolve section is in the motion because the same Minister of Education tried to insinuate that that resolve section was leaning towards questioning the integrity of either the minister or his staff.

Let us just ease back for a minute and understand the genesis of this whole affair. This motion was brought in June 1999. At that time we had the benefit of the Auditor General's Report of December 31<sup>st</sup> 1997.

#### **MOMENT OF INTERRUPTION—4.30 PM**

**The Deputy Speaker:** Honourable member, may I interrupt you? We have reached the hour of 4.30. If it is the intention of this House to carry on to the completion of the business today, I would entertain a motion for the suspension of Standing Order 10(2).

#### **SUSPENSION OF STANDING ORDER 10(2)**

**Hon. Julianna O'Connor-Connolly:** Madam Speaker, I move the suspension of the relevant Standing Order for continuation until the business of the House is completed.

**The Deputy Speaker:** The question is that Standing Order 10(2) be suspended to complete the business before the House. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 10(2) SUSPENDED TO ALLOW THE CONTINUATION OF THE HOUSE UNTIL THE BUSINESS IS COMPLETED.**

**The Deputy Speaker:** Honourable First Elected Member for the district of George Town, continuing his debate.

**Mr. D. Kurt Tibbetts:** Madam Speaker, you have to forgive us, because it was comical seeing the Minister of Education flying in here not knowing what was happening, making sure that the votes were in the right place. All we were doing was going on late to make sure that we completed the business. But anyway, thank God his heartbeat is back to normal now and he is back to doing what he has to do. I will continue.

As I was saying, Madam Speaker, with regard to the final resolve section of the motion and what the Minister of Education trying to imply (that perhaps we were using this to aim at the Minister of Tourism or his staff at the ministry), this resolve section was put in there because we felt that it was not impossible (because of the lack of the benefit of an independent cost consultant to certify these payments) that somebody may have found something that was not correct.

Now, I don't for one minute believe that the Auditor General creates a report and is not as fair as he can be to all concerned. But from his report there seemed a distinct possibility that something of this nature might have occurred—not within the ministry, but elsewhere.

My view right now is that there was ample reason to have doubts. Because of the way things transpired I hold the view that there is ample reason now to have doubts. The minister doesn't have to worry about me fretting. I can go outside and say that, who wants to sue can sue. It is nothing about that. Because you have a doubt does not mean that you have cast an aspersion. If there is

doubt in somebody's mind, it has to mean something is not clear.

Madam Speaker, when we say, "**BE IT THEREFORE RESOLVED THAT this Honourable House records its lack of confidence in the Minister's handling of the project.**" I would like to explain that. People can take that sentence and read it as follows, "**THEREFORE RESOLVED THAT this Honourable House records its lack of confidence in the Minister . . .**"

While I am not figuring it now, more than one person has quoted that first resolve section in that manner. They have because you see for them to really give a good line of argument, to show why that must not be the case, they must make it all encompassing to show how serious it is. That is why all of them jump up and talk. That is why.

Madam Speaker, I have to laugh when I think about all of that and I am not making light of it. When I say as the mover of this motion that "**BE IT THEREFORE RESOLVED THAT this Honourable House records its lack of confidence in the Minister's handling of the project.**" It is all to do with the argument that I have put down about the void that was created.

Madam Speaker, that resolve section is because that minister is responsible to this Legislative Assembly. Now, if the shoe were on the other foot, perhaps I would argue in a fashion similar to the way they have argued. If I argued that way, it would have simply been because I could not argue the point. As the lawyers would say, "I submit" that neither of them argued the point (nor all of them put together have argued the point). They have argued everything else.

They took pains to explain the whole history of the project. They took pains to go through all kinds of different phases, explaining the works from the birthplace of democracy and all that. The Minister of Education is going to single out the three members from Bodden Town saying that he hopes they appreciate the goodness for this project and will vote for the project in this motion. Madam Speaker, this motion has nothing to do with the existence of the project.

Let me tell you what he has tried to do with that. He wants people to go around saying that I, Kurt Tibbetts (the mover of the motion), do not want to see the Pedro Castle project in the Bodden Town district and the people of Bodden Town must understand that so that they must not talk to me and they must understand what I stand for in politics, et cetera.

You see, Madam Speaker, I know that any night he doesn't sleep comfortably is because of me. That is nothing new to me, and anytime he gets his little opportunity, he tries his little potshots. I will take this moment to clear the matter up.

I am impressed with the end results of the project, sincerely. I don't have a problem with it. My only problem at this point in time with the project is its viability from a dollar point of view. It is not that this is a problem. It is a worry, because whether I argue against the method that

brought the project to fruition or not, that is my problem too.

So, not for one minute am I going to stand up and say, 'let's go and burn it down because it shouldn't be there.' It is here! It looks good! We now have to channel the energies in the direction of making it a more viable project.

I don't have a problem with that, but the little slimy way, the little sleazy way that people like the Minister of Education bring these little things in—

**The Deputy Speaker:** Honourable member, could we use a little better word than "sleazy"? I don't think that is too parliamentary.

**Mr. D. Kurt Tibbetts:** Madam Speaker, I will not use slimy and sleazy again at the minister.

Madam Speaker, I am going to explain a different way because he is in the Chamber now. The Minister of Education has this way in which he takes the Queen's English and puts it into the shape and form that will cause one to misconstrue the truth, if he wishes to aim it at his opponent. I cannot figure any better way to say it than that, Madam Speaker.

*[The Honourable Minister of Education, Aviation and Planning rose]*

**The Deputy Speaker:** Honourable Minister?

#### POINT OF ORDER

**Hon. Truman M. Bodden:** Madam Speaker, I take a point of order there. What he is doing is misleading. I do not take the English language and put it in a way to misconstrue things.

**The Deputy Speaker:** Honourable Minister, I take your point of order, but I don't think he said that. I think he said he felt that way but I will ask the First Elected for George Town to withdraw that and to steer clear of these accusations.

**Mr. D. Kurt Tibbetts:** Madam Speaker, we have a problem because if I need to prove that I will prove it. But because I respect the Chair and you personally, I will withdraw the statement.

**The Deputy Speaker:** Thank you.

The First Elected Member for the district of George Town.

**Mr. D. Kurt Tibbetts:** I wanted to take a minute to say that when the Minister of Education is going to say that the three members from Bodden Town should bear in mind that the project is in their district, that there are people employed from their district on the project and he is literally (although he didn't use those words) putting them on notice that they better vote for the project with

the motion. The point I was making is that when the minister makes statements like that, it is clear that his intention to the public is to try to say that anyone who votes for this motion is voting against the project—and that is clearly not the truth. That is what I am saying.

But as I was saying (even though my choice of words was not the most appropriate), he has this way of doing things just like that. He cannot expect to enjoy the ability to do that continuously and not get it back. That is all I am saying.

So, I want to make it abundantly clear at this point in time that this motion has nothing to do with the existence of the Pedro St. James project. It is there.

What the Second Elected for Bodden Town said about how pretty it looks and when His Royal Highness the Duke of York was there . . . I agree with it. I was there. I don't have a problem with that. I have recommended people to go there to have functions. I made my little girl visit there and carry her class and have her birthday there. Do you think that was to please any one of them?

No!

The atmosphere was nice. They wanted to see the audiovisual presentation, and it is wonderful. That is not the point. The point is that during the course of the transition from consultant to project management, the relationship between CHRM and the ministry caused a void to be created in the checks and balances to ensure that the way in which the country's money was being spent was not only in a timely fashion but in an efficient and wise fashion. That is the point.

**The Deputy Speaker:** Since the House is going to be carrying on until we complete the business, proceedings will be suspended for fifteen minutes. Let us return within fifteen minutes, please.

#### PROCEEDINGS SUSPENDED AT 4.45 PM

#### PROCEEDINGS RESUMED AT 5.00 PM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. The First Elected Member for the district of George Town continuing his debate.

**Mr. D. Kurt Tibbetts:** I do believe that I have re-enforced the point I was making when I presented the motion. Before I get to the summary, I want to just take a minute to make sure that this point is made very clear.

As I stated before, several members have chosen to take the line that the intent of this motion is a personal attack on the Minister of Tourism and to question his integrity. In his words, "election is right around the corner" and some people hold the view that he is too popular in this country so it is time to dethrone him.

Madam Speaker, you and I got here at the same time. When I was elected, I was elected by my little self—well, big self however you look at that. But little fish in a big pond, I admit that. To this day, regardless of the

government and the opposition to the government, no member in here can honestly think that I am the type of person that would allow myself to be used. No one can think that I would allow myself to be used by anyone to further his own political cause.

If one were to say that, as a result of my bringing this motion, someone else might have chosen this opportunity to get on and play politics with their opponents, I probably would not even argue about that. It is not the reason why I brought the motion but that may have occurred as a result of the motion being brought. Just so that people will remember, no one has seen me running around any other district beside the district that I represent, hollering and telling anybody who to vote for because I believe the people of this country have their own good sense.

One thing I want the minister and everybody else to understand is that if he or any other incumbent in here from his district doesn't see eye to eye and they have differences, that is their problem.

Do you hear what I tell you?

That is their problem. Not mine. Do not drag me into it. There are a few things that I hold dear in my life and my ability to think for myself, to act for myself and to be accountable for my actions to everyone else . . . I take pride in that, Madam Speaker.

Back to the motion—during all of this debate many things have been said. But I forget to say one little thing that the Minister of Education said . . . he came in, but he is gone again. Anyway, I will still say it now. I am going to do my best not to laugh—oh! He is going back in. I will wait until he sits.

Madam Speaker, the last thing the minister said before he finally convinced himself he had overstayed his welcome and it was time to sit down was as follows, and I quote: "**I have no doubt whatsoever, I put my full faith, my full support behind the ministry, behind the minister, behind the Treasury.**" Then he says, "**We know that in the end, the good Lord sees everything and He will ensure that it comes out right for those who believe in Him.**" Madam Speaker, from the minister's argument it is fair conclusion that because I am the mover of the motion that I don't believe in God.

#### POINT OF ORDER

**Hon. Truman M. Bodden:** Madam Speaker, I take a point of order. I have never—

**The Deputy Speaker:** Honourable minister, may I hear your point of order please?

**Hon. Truman M. Bodden:** What I understand the member to say is that I imputed that that member does not believe in God. I never ever imputed or said that about anybody much less a colleague in this House.

**The Deputy Speaker:** Honourable minister, I do not think that is what the honourable member said. He said

that he read from the *Hansard* that you said, **“I have no doubt whatsoever, I put my full faith, my full support behind the ministry, behind the Minister, behind the Treasury. We know that in the end the good Lord sees everything and He will ensure that it comes out right for those who believe in Him.”** What he says is that because you are opposed to the motion he has concluded that your belief is that it will not come out right for him because of his lack of faith.

**Hon. Truman M. Bodden:** Madam Speaker, that is not what that says. It is purely a positive statement and I resent anyone drawing the conclusion the member is drawing—that I have tried to impute that either he or anyone else does not believe in God.

I mean, this is getting into a very dangerous area, and I would submit one other thing: It is not good enough for someone to say, ‘I believe that someone is saying no good’ is the same as saying that person is no good. I did not impute that. I made a positive statement.

**The Deputy Speaker:** Honourable minister, you may not have imputed, but the First Elected Member for the district of George Town has the right to draw that conclusion from the words that were said. I cannot entertain a point of order.

Would the First Elected Member for George Town would continue his debate?

**Mr. D. Kurt Tibbetts:** I am going to continue the debate and I am not going to make a big issue of this, but do you know something, Madam Speaker? They can shake their heads, and they can do what they want to do—

**The Deputy Speaker:** Honourable member, would you move off that point and let us get on with the debate?

**Mr. D. Kurt Tibbetts:** Yes, Madam Speaker.

The point that I wish to make is that when you say what you say, you must be careful to ensure that what you say comes out to mean what you are trying to say.

That is valid. I used that illustration to simply say that every time people like me come back and any one of them, or all of them together, doesn't like what I said, they must remember that they say things too. With respect, I knew that this was going to happen. I said what I said because I knew it was going to happen but I wanted to prove the point.

**The Deputy Speaker:** Can we move from that point, now?

**Mr. D. Kurt Tibbetts:** Yes, Madam Speaker, but I am only saying that I wanted to prove the point. When they get upset at what you seem to be trying to say, they must remember how they say things, and the same way it does it to them, it does it to other people. That is all I was trying to say and I will move on.

**The Deputy Speaker:** Thank you.

**Mr. D. Kurt Tibbetts:** So as not to lose the point that has been made, let me take a little time now to summarise. I wish to go back to the motion.

I have already said that the first two WHEREAS sections of the motion explain themselves once they are read, and that they are the genesis of this motion. There were many people who were questioning a lot of things. The public, by and large, gets very frustrated when they keep hearing a lot of stuff and they don't see a picture that is coming very clear. As a result of people coming to us asking us a lot of questions for which we did not have any answers . . . by the way, whether they believe me or not, I am not one of those people who is going to walk the streets of George Town, Bodden Town, East End, North Side or West Bay—and Cayman Brac is worse—trying to add marl road talk. I don't want it done to me and I, as a result, don't even begin to think of doing it to other people.

So, the motion was simply to get to the truth. The third WHEREAS of the motion, which reads: **“AND WHEREAS the Honourable Minister bears ultimate responsibility to the Legislative Assembly for the development and management of this project,”** which no one seems to have any argument with as there were no attempted amendments to that WHEREAS clause so that is a given.

**“AND WHEREAS this said project up until July 1997 was managed directly by the Ministry of Tourism . . .”** and that is where people like the Minister of Education tried to tie it in and say that the motion is directed at the ministry. We were simply paving the way with the facts. The Minister of Tourism did not seem to have a problem with that because his amendment only wanted to add to it, **“ . . . with project management being carried out by Commonwealth Historic Resource Management Limited and accounting being provided by the Government Treasury;**

**“AND WHEREAS all reports thus far . . .”** we said indicated mismanagement because at the time all reports did indicate mismanagement to us and the rest of the information that has come forward to us has not changed that but the majority of the people in this House changed that to say, **“are self-explanatory”** so as of now I have to debate the motion saying, **“are self-explanatory.”**

We now come to the two resolve sections. The first resolve section says, **“BE IT THEREFOR RESOLVED THAT this Honourable House records its lack of confidence in the Minister's handling of the project.”** It is worded like that because it is pointed squarely at the handling of this project—more so now than before because I have heard all the arguments. I contend that because the minister was responsible and because I have proven that the checks and balances that should have been in place were not put in place.

Regardless of all of the advice from every other committee or individual or group of people that came

forward, when it came down to crunch time, proper procedures were not put in place. Because of that, I contend that this House should record its lack of confidence in the minister's handling of that specific project. Nothing more than that.

I understand the government and their supporters not being prepared to accept that. I have listened to all of the arguments they have put forward. They have their way of debating and I have my way of debating. They have their way of wanting to understand. I can guarantee the world that I try to understand as objectively as I can. Even if I want to win an argument, I am not going to simply sit and skew it because I know I can. I am not going to do that and I cannot say that for everybody that is in here—especially the Minister of Education.

Do you know what, Madam Speaker? If I had spoken to the minister regarding the motion and we had talked about that same point that I keep focusing on and I had been told, *'listen, I hear exactly what you are saying and the truth is, I cannot argue with what you are talking about because that is exactly what happened. In hindsight, we should not have allowed it to happen that way but we learn from our mistakes.'* Madam Speaker, on my word of honour, I would have withdrawn this motion.

Now, I am not saying to you that I created the opportunity or tried to get us in a dialogue for that to happen. That is not what I am trying to say, but I am saying had that happened, I would have been happy to withdraw the motion. This whole thing—and they take it how they wish and they can politicise it how they wish—is not limited to this project.

This is our country and if the government is going to make arguments to say that this was right, that tells me that tomorrow they expect to operate in the same manner. That cannot be. I cannot accept that. That is what it tells me, and that is why I say what I say because the whole argument is that I don't want to see it happen again.

Now, someone could say, *'well, if you were in the same shoe it might have happened too.'* I am not saying no to that, but I certainly would not have sat down and rallied the forces to give arguments of all the good reasons for everything else in the project when that is not the point at hand and try to cover up. When I say cover up, I don't mean any ordinary cover-up but a cover up that will take you weeks to get to the real point if you follow them. I would not have done that. But to each his own. If that is the style of the government, then that is the style of government. But do not expect me to accept that.

I say once again, Madam Speaker, that the point behind this motion is not just to expose that situation to make someone look bad, but to ensure that does not become the order of the day. If it happens once and you argue with me for days trying to justify it, how do I know it is not going to happen again? So, Madam Speaker, I stand behind the first resolve section of the motion. It is

not meant to be personal. I cannot explain it any better. However it is taken, I cannot do anything about that.

The second resolve section of the motion, which is the more serious aspect of the motion, stems from the result of the first resolve section. Madam Speaker, when we look at the landscaping contract, where all the arguments that have come forth about the three contracts where the issue was with the very small parts of the whole thing . . . you see, it does not matter how small that was compared to the entire project.

It was the risk the country's money was put at. It does not matter—as the Minister of Education said exactly twelve times. I read the *Hansard* and he said it twelve times, and each time he spoke five minutes on it. It does not matter whether the estimate was \$8.7 million and what is being said now is that it came in at \$5.2 million. I am going to take two minutes to deal with that too.

It does not matter whether it came in under the estimate. The way the Minister of Education spoke, a good example would be, if I am driving down the road and I do not have my seatbelt on, and I get into an accident and I don't get hurt, and yet I draw the conclusion that because I drove down the road without my seatbelt on and got into an accident and I didn't get hurt then as a result of that I should not use my seatbelt.

The minister has said it is supposition. You are talking foolishness. This is probably the first project of this size that came in under the estimates so don't say anything. If you know that there is something that did not go right, forget it. The mere fact that it came in under the estimate . . . don't think again about anything. The mere fact that you didn't have your seatbelt on and you met in an accident that means that you must not use your seatbelt?

Madam Speaker, the way in which the project manager was allowed to conduct his billing procedure and collect monies from this government was incorrect and it was not in the interest of the people of this country. It could not have been!

The argument has nothing to do with the end result. The argument has to do with the correct way to do it compared to the incorrect way, which was the way that was used. That is the same kind of argument that comes forth from the government when we have serious issues at hand. Because we have not had a serious crime wave in this country—don't talk about education, don't talk about potential social problems.

No, no, you are preaching gloom and doom. You must not talk about those kinds of things. The same exact attitude.

All of the problems that we see facing us today stem from circumstances to do with education or lack thereof. That is the wildest statement in the world. How could you say something like that? Is it not right to stop and think, *I wonder what he means by that? Might there be some merit to what he is saying? Oh, no, no, no. If he says something to do with education, it is a personal attack at me.* That is the attitude and it gets us no where. That is the government.



I am part of the opposition. They have to do it their way but I have the luxury of not even wondering about anything and continuing to speak the truth.

I am going to make a rueful admission . . . Madam Speaker, if getting there turns me into that, I don't want a thing to do with it—and I mean that. Now, I don't believe that it has to be like that, but if my God told me in my mind that once you get there that is how you are going to become, I don't want to hear about it. I will stay in my little corner and I mean that because no one can tell me that this country can benefit from that type of style of governance.

Madam Speaker, they have also (and I have said the minister has said it) said that the project has come in under estimate. I know what procedures are in place but I am going to wager this and somebody has to certify this in writing to me because I am going to lay the argument once more. I am not going to go into all the details I went into before.

The way that CHRM was allowed to operate with their contracts, with their sub-contracts, with their billing procedures and with their lack of being held accountable for the type of accounting procedures and monthly reporting or regular reporting that should have been done in a certain manner . . . in my view (and I am going to contend this and no one is going to say it and prove it different to me) I sincerely hold the view that it is physically impossible for the Treasury and/or the Financial Controller of the Pedro St. James project and the Botanical Park project to be able to take what information they have and be totally satisfied that every dollar that was spent was accounted for in the correct area. Here is how the Minister of Education argues that point, he says, "**So what if some of the money that was spent at Pedro Castle was recorded as if it was spent at Botanic Park or vice versa, what is the big deal? It's all government projects and all government's money.**" That is how he runs his show. A perfect example, Cayman Airways owes Civil Aviation for—

**The Deputy Speaker:** Honourable member, let us not go there please. Let us continue with the motion before us and bring it to a conclusion. Thank you.

**Mr. D. Kurt Tibbetts:** Thank you, Madam Speaker. I won't say it but I thought it was a perfect parallel. And I still believe it is a perfect parallel, but I accept what you have said and I will move on.

**The Deputy Speaker:** Thank you.

**Mr. D. Kurt Tibbetts:** Anyway, he said that three or four times during his delivery. That bears out the point that I am making.

You see, Madam Speaker, that's why he can stand up and pontificate with his legal jargon and argue the case. Not for one minute would I believe he doesn't understand. With those umpteen years of banking experience and those umpteen degrees, he must understand!

But he uses the same type of argument to show why I don't have an argument. You know, a little bit here and there, it is government's money and it is spending on government's causes so it does not matter how you account for it.

I take that example to say that in this last resolve, which I accept seems a bit piercing . . . but it drew their attention. It got every one of them up except one to speak. I contend that because the proper checks and balances were not in place, right now there is doubt in my mind whether anyone can truthfully prove that the monies that were expended for that specific project were all to the dollar spent in the right fashion.

They talk about the original contract for project management. The Third Elected Member brought up the point about the multimedia contract and where there was this problem about currency. No one has yet addressed where in the initial contract, the contract, that is, for the project management . . . I don't want to say no one addressed it, CHRM addressed it. I have a copy of that but only CHRM addressed it and the minister read what CHRM said.

That multimedia contract—which was not quoted in a specific currency . . . when the correspondence started between the ministry and CHRM only to discover at the end of the day, that while the ministry assumed correctly that it was Cayman Islands dollars, how it actually worked was that the contract amount between CHRM and Steve Shaw Production was in Canadian dollars.

By the way, there is one document in there that called it Claudette Shaw Production, I don't know if it was a husband and wife . . . anyway, we are calling it Steve Shaw Productions now. Steve Shaw Productions was paid an equivalent in Canadian dollars. The bill came from CHRM to the ministry, certified and authenticated by CHRM in Cayman Islands dollars. When the question arose—and only when the question arose sometime afterwards—the answer was simply: We billed you in Canadian dollars.

We paid them in Cayman Islands dollars and the reason why it was like that was because the difference just so happened to be my consultancy fee. That is how it worked and I am not trying to bend anything out of shape or skew it. That is how it worked!

Now, Madam Speaker, assuming that is correct, here are the questions. Did the original contracts (as I have not seen them because they said, '*No, you cannot see anything like that.*' Okay, no problem.) But the original contract must have understood that this multimedia centre was going to have to be built.

So, when he got project management for a contract that includes that, are we going to say that you have an open-ended contract? You have a fee as the project manager but when you get to specific areas, it is not included in your fees so you just simply send us the bill as you please? That is what happened!

Madam Speaker, it is not to say that in truth and in fact (because I am going to be as fair as I can) it is not possible that these works may have been extra, over and

above the contract because I don't know what the contract says. But even if they were, hence all the more reason why you must have an independent cost consultant to say, yes, what this person had to do extra is exactly the difference between the exchange rate of the Canadian dollars and the Cayman Islands dollars.

Madam Speaker, to say that that should not have been done is wrong! It has to be wrong from your shoe sole up.

Because that is not in place I cannot feel or believe in my mind that nothing happened that may not have been correct. To be fair I don't want to say that anyone personally or together meant anything untoward in the whole affair. But because of not having that procedure in place, it is only normal to have doubt. For the Minister of Education to talk about, *'if you think it regularly, it must be regular'* he doesn't understand. I may be irregularly shaped but there is nothing irregular about me.

Madam Speaker, I believe that I have used every possible example that I can to reinforce my point. I say again the last resolve came into place because there were serious doubts as to whether or not the money that was paid by the government of this country was paid in the manner and in the amounts which it should have, regardless of what the end result was, whether it was under or over or whatever. You see, they come with this business about there is nothing about fraud—nothing proving fraud.

Madam Speaker, if you don't have a system like that in place, you will never be able to retrace your steps to verify all of this.

How can you say that there is no fraud?

What you can say is that there is no proof of fraud. I am not going to stand and argue that, but this last resolve section was simply in case there were and no one can say we didn't have a right to say that in the motion because it certainly looked like that but it had not to do with fraud from within.

I need you to understand that clearly. If that was what I thought, I would tell you that; but that was not the case. But because there was nothing in place to ensure with the extensions that everything was Kosher, that is how that came about.

Madam Speaker, even if the thought is thought to be biased, I believe that there is merit to this motion when you look into the ambit that you need to examine when you look through your whereas clauses and your two resolve sections. The government obviously will not support the motion. No one could convince me that I have wasted their time or the country's time by bringing the motion and I firmly believe that I have proven my point beyond a shadow of a doubt.

By not accepting the motion, the government is saying *we hear what you say, we understand what you say but we cannot accept what you say because to do that is an admission*. That is what is going to transpire now when the vote takes place. One thing I do know it has served is that it puts on notice any future projects and

making sure that they are done correctly with proper procedures in place.

I believe after this, even those who may not have realised that that is how it should be, I am going to make sure it should be if you are even buying a pair of shoes. And that is all right too because it will have served its purpose in that respect. Thank you, Madam Speaker.

**The Deputy Speaker:** That concludes debate on Private Member's Motion No. 6/2000 as amended.

Honourable members, Standing Order 24(13) reads, **"If a motion embodies two or more separate propositions, the propositions may be proposed by the Presiding Officer as separate questions."** I have taken the decision to propose the two propositions in this motion as separate questions.

The first question is: **"BE IT THEREFORE RESOLVED THAT this Honourable House records its lack of confidence in the Minister's handling of the project."** I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Noes have it.

**Mr. D. Kurt Tibbetts:** Madam Speaker, may we have a division please?

**The Deputy Speaker:** Certainly.

**The Clerk:**

**DIVISION NO. 3/2000**

**NOES: 9**

Hon. Donovan Ebanks  
Hon. Samuel Bulgin  
Hon. George A. McCarthy  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. John B. McLean  
Hon. Anthony S. Eden  
Hon. J. O'Connor-Connolly  
Miss Heather D. Bodden

**AYES: 4**

Mr. John D. Jefferson  
Mr. D. Kurt Tibbetts  
Dr. Frank McField  
Mr. Roy Bodden

**ABSENT: 3**

Mr. W. McKeever Bush  
Mr. D. Dalmain Ebanks  
Mr. Linford A. Pierson

**The Clerk:** Four Ayes, nine Noes.

**The Deputy Speaker:** I declare the result of the division: four Ayes, nine Noes. The first proposition falls away.

**FIRST RESOLVE SECTION NEGATIVED BY MAJORITY.**

**The Deputy Speaker:** The second proposition is: **"AND BE IT FURTHER RESOLVED THAT upon completion of the technical audit of the landscaping contract for this project and parties responsible for fraud, misap-**

**appropriation or any other illegal action be identified and be the subject of appropriate legal action and that this Honourable Legislative Assembly be appraised of the proposed course of action.”**

I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it. The second proposition has been carried.

**SECOND RESOLVE SECTION AGREED UNANIMOUSLY.**

**The Deputy Speaker:** We now move to Government Business and I will ask for suspension of Standing Order 46 to carry on Government Business on Thursday.

#### **SUSPENSION OF STANDING ORDER 46**

**Hon. Truman M. Bodden:** Madam Speaker, I move the suspension of Standing Order 46.

**The Deputy Speaker:** The question is that Standing Order 46 be suspended to enable this Honourable House to deal with Government Business. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: SUSPENSION OF STANDING ORDER 46 TO ALLOW GOVERNMENT BUSINESS ON THURSDAY.**

### **GOVERNMENT BUSINESS**

#### **BILLS**

##### **FIRST READINGS**

###### **THE PUBLIC SERVICE PENSIONS (AMENDMENT AND VALIDATION) BILL, 2000**

**The Clerk:** The Public Service Pensions (Amendment and Validation) Bill, 2000.

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

###### **THE FINANCE BILL, 2000**

**The Clerk:** The Finance Bill, 2000.

**The Deputy Speaker:** The Bill is deemed to have been read a first time and is set down for a second reading. Bills, Second readings.

#### **SECOND READING**

##### **THE PUBLIC SERVICE PENSIONS (AMENDMENT AND VALIDATION) BILL, 2000**

**The Clerk:** The Public Service Pensions (Amendment and Validation) Bill, 2000.

**The Deputy Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Madam Speaker, I beg to move the second reading of a Bill entitled, The Public Service Pensions (Amendment and Validation) Bill, 2000.

**The Deputy Speaker:** The question is that a Bill entitled, The Public Service Pensions (Amendment and Validation) Bill, 2000 be given a second reading. I think I need to go on to say that the motion is open for debate.

The Honourable Third Official Member.

**Hon. George A. McCarthy:** Madam Speaker, before I go into the details, this Bill will be dealing with two specific points. Essentially, point 1 is that those officers in the service who qualify for the receipt of a cost of living supplement will be exempted from benefits under the pensions scheme.

Point 2, persons who joined the service after the 14 April 1999, the present Law provides that those persons should be transferred or placed under the defined benefit scheme. Because of certain administrative arrangements not being in place or not being followed through, it became necessary for this date to be extended to 1<sup>st</sup> January 2000.

The third point (and as honourable members will note there is an amendment being posed to withdraw this section) had to do with section 34 of the Public Service Pensions Law in effect, which was being repealed. Specifically, the clauses in the Bill pointing to this specific area are clauses 5, 7, 8 and 12, which, when taken together, provide that no employee if he carries on working after reaching normal retirement age may receive both a pension and a salary/wage at the same time.

Madam Speaker, there is an amendment to defer dealing with this section. So, the existing provisions in the Law will stand.

So, in effect, the amending Bill that we have in front of us at this time will effect amendments to two areas in particular.

Just going through some specific deals: Clauses 1 and 2 deal with formalities. Clause 3 introduces a new subsection (23) to the principal Law. The effect would be to exempt from the new pension scheme all employees who receive contracted officer's supplement. Taken with

Clause 11, this would be effective from the 14<sup>th</sup> April 1999.

Clause 4 repeals and replaces section 29(2) of the principal Law. The present section 29(2) prevents employees who joined after the 14<sup>th</sup> April 1999 being defined benefit participants. The proposed replacement would extend the deadline to 1<sup>st</sup> January 2000. This, however, would not apply to employees who are not contracted officers, temporary employees or group employees who, together with all employees who have joined after 1<sup>st</sup> January 2000, are and will be defined contribution participants.

I mentioned earlier, Madam Speaker, clauses 5, 7 and 8 are being withdrawn—

[Inaudible comment]

**Hon. George A. McCarthy:** I have not gotten to Clause 12 as yet, I am following in number order—and 12, Madam Speaker, since it has been mentioned.

Clause 6 repeals and replaces section 47 of the principal Law, which at present provides for non-participating employees under the old scheme to become defined contribution participants on 14<sup>th</sup> April 1999. The new section will bring forward the starting date to the 1<sup>st</sup> January 2000.

Clause 9 validates the failure of the government to transfer contributions in respect of employees who started work after 1<sup>st</sup> January 1998 to the defined contribution scheme on the implementation of the new Law on the 14<sup>th</sup> April 1999. As I mentioned, all such persons will continue on the defined benefit scheme and only those joining effective after 1<sup>st</sup> January 2000.

Clause 10 is also a validation clause. After 14<sup>th</sup> April 1999, new employees should have been made defined contribution participants but they continue to be put on the defined benefits scheme. This clause validates keeping those employees under the defined benefit scheme.

Clause 11 validates the failure of the government to make all employees, including contracted officers, participants as required under the principal Law. As mentioned earlier, Madam Speaker, those contracted officers who currently qualify to receive contracted officer's supplement will be exempted from pension benefits.

Madam Speaker, in substance, this represents the changes that are being sought under the amending Bill.

Thank you.

**The Deputy Speaker:** The motion is open for debate. Does anyone wish to speak?

The First Elected Member for the district of George Town.

**Mr. D. Kurt Tibbetts:** I am pleased to see the amendment come forward. I think that is a signal that there may have to be a slight rethink in that area and because these sections have been withdrawn, I won't delve into that.

Madam Speaker, I wish to draw the attention of the honourable House to a certain section of the proposed amending Bill, where the margin note says (on page 6 of the Bill), "**Amendment of section 27, non-resident/non-Caymanians**" and section 3, which is opposite that marginal note in the amending Bill reads, "**Section 27 of the principal Law is amended by inserting a new subsection after subsection (2)(iii), the administrator shall exempt from the coverage of the plan an employee who is entitled to a contracted officer's supplement.**"

There is amendment I see to section 3, which basically reads, "**An employee who is entitled to a contracted officer's supplement shall not be entitled to the coverage of the plan and the administrator shall exempt such an employee from the coverage of the plan.**" Different words meaning the same thing, as far as I am concerned. Perhaps language that is easily understood.

Anyway, if we just try to clearly understand what this is saying, by not addressing this area the 1999 Law basically had a loophole in it. While I don't think in practice it was allowed, it could have allowed for a contracted officer to receive the contracted officer's supplement of 15% plus be a participant in the defined contribution plan. In effect, this would have meant that the contracted officer would have received 15% of his or her base salary attached to that salary on a monthly basis, plus be able to have the adjustment of 6% added to that basic salary and then taken back to go into the pension plan along with a 6% matching amount from general revenue. That's basically what could have happened. As I said, I don't think that it was happening in practice but this is simply to rectify that circumstance.

Now, having established that, there is an argument I wish to put forth because I probably will only have this opportunity to do so. There are some people who believe that at this point in time there should be no separation when people are employed by government who go on the defined contribution pensions plan or those who are allowed a contracted officer's supplement of 15% of base salary.

There are also those who contend that if the contracted officers from overseas are not afforded this 15% contracted officer's supplement attached to their basic salary, that it could well lead to less qualified individuals being recruited from overseas.

Now, while this Law itself does not address the contracted officer's supplement, the validity in the argument I will prove as I move along. I want to go back to a document that was prepared in the form of a memorandum on 26<sup>th</sup> January 1990 by the then administrative secretary. It was addressed to principal secretaries. I will not deal with all of the information in that document but I want to come to the very last paragraph of the document, which is part and parcel of the conclusion of the document.

This document was dealing with the 1990 salaries review. The then administrative secretary in relating to the 1990 salaries review, in conclusion (and numbered

14) says as follows: **“Government has recently confirmed by means of an actuarial review that the value of a civil service pension is presently 15% of salary. The contracted officer’s supplement allowance is set at an equivalent percentage but paid monthly in order to compensate for the effects of inflation and to take account of the cost of housing payable monthly.”**

So, Madam Speaker, in effect, what the administrative secretary was saying at that point in time was that this actuarial review that was carried out equated the value of a permanent pensionable and established member of staff to 15% of his or her salary. Thus the 15% contracted officer’s supplement that was going to be given would be literally in lieu of a pension because the value of the pension was the same thing as the value of the contracted officer’s supplement. The only difference is that with a pension you are not collecting it monthly but with a contracted officer’s supplement, you would be. That is what that means.

Now, using that as the platform from which I bring this argument, what the 1999 Pensions Law (and if we include all the other amendments that are being proposed) will have, in effect, is basically out of your permanent pensionable establishment a number of individuals who will be on the defined benefits plan (which was the plan we all knew until this Law came into effect in April 1999), and from a certain date set forth within this Law, all employees who will be PPE and are not contracted officer’s will go on the defined contribution plan.

Now, what is consistent for whichever plan you are on is the contribution rate, which at present is 6% of salary plus a matching 6% by the government. So, whether you are on the defined contribution plan or the defined benefits plan, the contributions are the same. Remember, based on that actuarial review the pension is worth 15% of salary. What I don’t want to wager is whether or not it is worth the same now. But I want to propose that we don’t have to argue that point because the base that has been established, in my view will not vary to any degree that makes that much different in the line of argument.

So, if we go by the amendment that is proposed what we are going to have is some people employed in this country who are not on any pension plan. The purpose of the National Pensions Law was basically to say that all people employed in this country for over twelve months except for one or two categories are to be on a pension plan.

Now, the Government in my view is saying that because of the nature of this beast, we are creating this exception. Let me make it very clear that for those people who came here before whatever date that we might propose (let us use today’s date for example) . . . if those people were hired based on the fact that they received a contracted officer’s supplement, I am not proposing for a minute that they should not continue as long as they are employed whether the contract is renewed or whatever. So, as long as they are employed based on the terms of

employment initially, I am not suggesting that should change.

But in the same manner that we have said that all locally employed people in the government service from a certain date will go into the defined contribution plan, then I hold the view that we could extend that thought to all new contracted officers. I am going to explain why and I am going to explain that I believe that the argument is fair and why we should do this.

Madam Speaker, if I am a contracted officer and history continues to repeat itself the way it has in the past, it is not impossible for me to come to this island as a young person and be hired as a contracted officer and never leave this island and continue in that employment until I stop working.

Now, if that happens then it goes against the entire principle of providing pensions for people. From the equation of parity, I am going to explain why I do not believe for a minute that if what I propose is an acceptable circumstance that it will create any disadvantage to any new employee who is a contracted officer if this is done.

I would propose that a contracted officer who is employed from here on in, be hired with the basic salary, whatever that is, and that person is put into the defined contribution plan with the same 6% added to the basic salary and taken back out, plus the 6% matched by government and put into the pension fund. Then, should that person at any point in time end a contract (and usually those contracts are in minimum 2 - 3 years but on many occasions they are renewed) . . . but if these persons were in that plan and you said to them, *‘the only difference between you and a person who is a PPE (that is a local on the plan) is that their plan becomes portable’* . . . portable in its normal sense meaning, if somebody is working for government and they are on the defined contribution plan and they leave the government and go to another firm, then whatever the benefits are within that plan they now have is portable to whatever the plan is that they might go into at another firm.

But if you are a contracted officer and you leave or complete a contract of service with the government and take up employment in the Cayman Islands again, the same thing happens to you—whatever your benefit is that has accrued during your tenure is portable to wherever you go to work.

But if you are leaving the service and leaving the country, your contract is completed and by mutual agreement in whatever fashion you are not renewing, then whatever benefits have accrued over that period of time, you get your cheque and you are gone.

When you go elsewhere, if you want to use that to go into another pension fund it is your right. If you want to spend it, it is up to you because you are not living within the Cayman Islands anymore and you are not within the principles of the laws of the land.

Where it is not a disadvantage, Madam Speaker, some people might say, *‘well, why ask them to do the defined contribution plan and why not just give them their 15% right away.’* I am saying that the principle that you

wish to apply, on one hand there is a question of parity between the two different types of government employees and, on the other hand, there is the possibility of them remaining on contracts that are continually renewed, or leaving (as has happened on many occasions) the service at the end of a contract but getting a job elsewhere in the private sector and during that time you would have been making them participate in a pension plan.

By nature, the reasoning behind pensions is because the human being, by and large, does not have the discipline to think at 20 or 25 years old of what it is going to be like at age 60 and put this money aside.

That is the whole idea behind the pension, as far as I understand it. It is a forced savings. So, regardless of how a contracted officer looks at the position, what you are doing for him, you are not depriving him of anything but you are saying to him, *'we are simply putting you in a position that whatever happens at the end of the day, you are preparing for your future. If you leave us at the end of a contract, the same basic money that you would be receiving, which is 15% of your basic salary, by the time that money is vested in a pension fund (and I have not taken any figures and worked it out to extrapolate a position), I am certain that over 2 - 3 years, given the returns on the pension funds as they are, which are fairly consistent and they are much more enticing, rates wise than a saving account, then at the end of that tenure the amount of money that you will receive will be more than if you add up 15% which you got every month.'* I think that is a fair evaluation of the situation.

So, the compromise (as I see it, Madam Speaker) would allow the individual at the end of the contract once they are leaving this jurisdiction to get their money and go. But there has to be a compromise if you are going to negotiate. I understand that it is not for us here to decide on that 15%, but I am proposing that argument because I know there is a big argument going on about it. I believe that this is a fair manner in which to meet the concerns of all parties, including contracted officers.

Bear in mind, Madam Speaker, those contracted officers who have been employed with that 15%, I would say, if you wish to revert to the defined contribution plan, you have the right to do so but because you are hired with the understanding that you would be getting 15% contracted officer's supplement on your basic salary every month, if you want to keep it that way, keep it that way.

But any new people, just like you have told the other employees who are new that they are not going to go on the defined benefits plan but they are going to go on the defined contribution plan, then any new people who are contracted officers go on that plan also

If you add the dollars and sense up, it does not take anything away from how much money they get at the end of the day. All it does is ensure that should that person remain in the jurisdiction then they are following the principles that have been applied by law that you are

preparing them with a pension. That's all it is going to do in my view.

So, whereas the Governor has the right under General Orders to deal with this contracted officer's supplement, the fact of the matter is that it is relevant for this because if anyone hears my argument and somewhere along the line they can come to agree with it, then personally it would have to mean an amendment to this Law.

You would not then allow the exemption that is being allowed now to continue. The exemption would only be up to whatever given date that you are going to have as the start-off period, just as you are setting a date now for the start-off period of the PPEs in a defined contribution plan.

Now, I am in a quandary because it is not that I disagree with these amendments to the point where I want to say that I am not going to vote for this Bill. But, having thought about it for a little bit (and I must admit I did not even get a chance to speak to anyone at length about it because I was dealing with the other motion all day), I honestly believe that there should be consideration to the proposal that I made understanding that it has to be the Governor who does that.

Now, perhaps the mover (who is the Honourable Third Official Member) might make comments on that. I am not trying to suggest that there is a big issue on hand where I have a big problem and I am not going to vote. I am not saying anything like that. But I would like some assurance, that while I know it is not the decision of anyone here, that proposal be put forward with a view to arriving if possible at some type of agreement based on the premises that I have tried to explain in this motion.

I trust that the thought is one that will go further by way of discussions and I am not going to go into all the details of who is discussing what and that type of stuff. But I believe that type of outlook might go far with regards to arriving at a position where everyone will be satisfied to the point that they are willing to go forward with it like that.

I trust, Madam Speaker, that the line of argument which I have taken will be one that will be accepted with the spirit that I have taken it. Perhaps comments from the mover of the motion might allow me to easily and readily decide on whether or not I support the Bill.

Thank you.

**The Deputy Speaker:** Does any other Member wish to speak? The Fourth Elected Member for the district of George Town.

**Dr. Frank McField:** Madam Speaker, I am kind of tired, but since the First Elected Member for George Town has elaborated on this amendment to the extent he has, it has caused me to think of something. I would like to find out, when the mover of this amendment to this Public Service Pensions Bill comes to sum up, what is the particular philosophy that has informed them to do this.

The clause being amended shall exempt from the coverage of the plan an employee who is entitled to a contracted officer's supplement.

Now, what is being brought to substitute for that is that an employee who is entitled to it shall not be entitled to coverage in the plan. Basically, that is saying the same thing and I believe that this is deliberate—that the government would bring something to say that they are doing something but they are not really doing it.

With all of the debates that we have had with the civil service and certain persons in the civil service that are concerned about equity . . . because I think this comes back to the question, whether or not certain persons are being treated in a different way.

Now, if it is not an important concern of our government that all persons within our jurisdiction be forced to save, and if we can make exceptions when it is convenient, where do we stop? Is it being said that the person who comes from overseas is more interested in that 15% each month than they would be in having that 15% go into a pension plan they would get at a later stage in their lives and could be transferred from this jurisdiction to another jurisdiction if they left?

I think that somehow it is being said that there would be greater motivation for the person to come here and work in this country if he had that 15% extra at his disposal to spend. What about the person who lives here? Wouldn't it also be correct to assume that I would be better off if I could get my money and spend it too? Why are you keeping me from getting my money? Why are you taking my percentage and putting it in a plan? Why are you forcing me to put mine in the plan? I believe I would be better off too. I just cannot see how I am going to live when I am 65 anyway.

Let's say we argue that way. Let's say that the person who is now 27 years old and working with the civil service is much more interested in getting a mortgage, in getting a house, and therefore that 15% is important. There are all kinds of reasons why other persons might want to present the point that it is more important for them at this particular point to be exempt from the plan and to have that 15% available.

So, when you start bending the rules without consistent philosophies in order to suit circumstances and arguments . . . I don't know. It really weakens the resolve of the society to say in a very determined way that we believe it is not just good for Caymanians, it is good for all persons to make sure that they save something out of their salaries and wages for their senior period in life.

So, I think this clause, in making the amendment, weakens the strength of that resolve of the state. So, there is not very much I can say against this except to say that we have to be careful with this type of manipulation, this type of exemption. Well, we feel that people are going to complain if we give them pensions and give them the 15%. But we cannot take the 15% from them, so we have to go ahead and create a completely new condition for them.

It does not make much sense, Madam Speaker.

**The Deputy Speaker:** Does any other member wish to speak. Proceedings will be suspended for five minutes in order to allow the tape to be changed.

#### PROCEEDINGS SUSPENDED AT 6.31 PM

#### PROCEEDINGS RESUMED AT 6.39 PM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Does any other member wish to speak? If no other member wishes to speak, would the mover wish to exercise his right of reply? The Honourable Third Official Member.

**Hon. George A. McCarthy:** Madam Speaker, thank you very much. I would like to respond to the First Elected Member for George Town and the Fourth Elected Member for George Town by saying that I have noted the comments that have been so eloquently shared, and I will give the assurance that the views expressed will be conveyed to His Excellency the Governor who has responsibility for the civil service.

The Fourth Elected Member for George Town referenced the amendment that is being proposed to Clause 3. The amendment gives greater precision to the wording as now set out in Clause 3, but the substance remains the same. I would like to thank honourable members for their support.

#### SUSPENSION OF STANDING ORDER 46 & 47

**The Deputy Speaker:** Before I put the question, proper procedure was not followed earlier when I asked for the suspension of Standing Order 46. I should have asked the Honourable Official Member for the suspension of Standing Orders 46 and 47 to allow the two Bills to go through the three stages today. So, I would ask you before I put the question to move a motion for the suspension of Standing Order 46 and 47 to allow the two Bills to go through the three stages.

**Hon. George A. McCarthy:** Madam Speaker, I so move.

**The Deputy Speaker:** The question is that Standing Orders 46 and 47 be suspended in order to allow the two Bills to go through the three stages. I shall put the question: Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

#### AGREED: STANDING ORDERS 46 & 47 SUSPENDED TO ALLOW TWO BILLS TO GO THROUGH THE THREE STAGES.

**The Deputy Speaker:** The question is that a Bill entitled the Public Service Pensions (Amendment and Valid-

tion) Bill, 2000 be given a second reading. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it. The Bill has accordingly been given a second reading.

**AGREED: THE PUBLIC SERVICE PENSIONS (AMENDMENT AND VALIDATION) BILL, 2000 GIVEN A SECOND READING.**

**The Deputy Speaker:** Bills, Second Reading.

**THE FINANCE BILL, 2000**

**The Clerk:** The Finance Bill, 2000.

**The Deputy Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Madam Speaker, I beg to move the second reading of a Bill entitled, The Finance Bill, 2000.

Honourable members will recall that at the time of presenting the Budget Address on 26 November 1999, it was pointed out that the government, in order to assist the public to purchase necessities, had taken the decision to remove duties on various food items and to substantially reduce the licensing of bulk water distributors. Accordingly, the government stated that it was pleased to announce the removal and the reduction of selected revenue measures as set out in what was then given as Appendix A.

In addition, the government went on to say that being mindful of any potential harmful effects of the revenue measures introduced in 1999 on the tourism and other sectors of the local economy, it had established a task force to take input from the public and to make recommendations in regard to these measures.

Mention was also made that the study had been completed, and the consensus that emerged recommended the removal of the increases on alcoholic beverages with the exception of champagne.

Since that time, the government has also consulted with representatives of the agricultural society who had expressed concerns about the removal of duty from certain locally grown items. This Bill will reinstate duty on those items that are produced locally, but the exemption will remain in effect on those fruits that are imported into the island but which are not produced within the Cayman Islands.

Secondly, the government has also had consultation with the Restaurant Association in order to rationalise the fees. There were concerns expressed that there were varying rate structures within given bands. This has now been factored into the amending Bill. And for ease of reference, I have provided an analysis for the benefit of honourable members to see what the effect of these

changes will be in terms of moving from the old to the new rates. Through you, I will invite the Serjeant-at-Arms to distribute these Bills.

Under the Trade and Business Law, honourable members will recall that the increase in 1999 put utility services, bulk water distributors rate up to \$25,000. This has now been reduced to \$5,000 as set out in the Bill.

It can be shown that previously, restaurants with seats for 30 or less the rate was \$350; the new rate will be \$325. Restaurants with seating capacity from 31 - 60, the annual fee used to vary between \$600 - \$1,100, this has now been standardised at \$500. Seating capacity of 61 - 100 customers, previously \$1,350 to \$2,100; this has now been fixed at \$1,000. Seating capacity of 101 to 150, previously ranged between \$2,350 to \$3,350; this will now be fixed at \$1,600. Seating capacity of 151 to 200, previously ranging between \$3,600 and \$4,600, the new rate is \$2,500. The seating for 200 or more customers, previously was \$4,850; this has now been fixed at \$3,500.

The effect of standardising these fees will bring about a reduction of \$40,000 or possibly less in overall fees in this category to the government. So, overall this sends a very good message to the local economy and the restaurant association that the government is very much mindful of the concerns as expressed and when expressed.

Continuing under the Customs Tariff Law:

| Code Number | Heading                                                                                                              | Duty | New Duty                                                                                     |
|-------------|----------------------------------------------------------------------------------------------------------------------|------|----------------------------------------------------------------------------------------------|
| 0411        | butter, natural, fresh or salt                                                                                       | 20%  | Duty free                                                                                    |
| 0431        | Eggs                                                                                                                 | 15%  | Duty free                                                                                    |
|             | Fruits, chilled, fresh or frozen but not further prepared excluding items as set out in the category as shown below. | 15%  | Duty free                                                                                    |
| 0801        | (a new category)                                                                                                     |      | Reinstates the duty of 15% and is a response to the concerns expressed by the local farmers. |

Madam Speaker, the rest of the items as set out in the Bill mirror those as advised to this Honourable House during the presentation of the Budget. As I mentioned earlier, this sets out very clearly what the overall changes to the fee structure will be after the safe passage of this amending Bill. Thank you.

**The Deputy Speaker:** The question is that a Bill entitled the Finance Bill, 2000 be given a second reading. The motion is opened for debate.

The Fourth Elected Member for the district of George Town.

**Dr. Frank McField:** Madam Speaker, as late as it is in the evening, I should want to know from the government,



the type of logic that is involved in their duty system with how they reduce one day, and they put it up the next day and then they reduce it and so forth.

There should be a more precise methodology for arriving at what is fair and what actually provides the country with the type of protection it needs to give to local producers of whatever.

It appears strange also that at some late date like this we come in with the argument about farmers. All the time that certain people have spent in this job and the fact that they also have a Minister of Agriculture . . . could not this particular point or position have been integrated earlier? We have to wait to this stage to get this type of amendment?

Now, when I look at the fruits that are now going to be the suspect to protection (in other words, the persons producing these fruits will be protected by government levying a 15% duty on the importation of these fruits) they are now put into two categories—those fruits that are to be produced here locally, although those fruits still imported will now have a duty.

Now, you are going to put a 15% duty on the breadfruit, but you said the breadfruit is grown locally. What happens when the breadfruit might not necessarily be in season and it might be imported? What happens, for instance, when you get the sweet sops? I know I eat a lot of sweet sops when I can get them. Maybe these sweet sops are not anything more than luxury fruits these days and, therefore, it should not matter if 15% duty is placed upon them in order to protect the growers of sweep sops.

But are they grown in such a quantity that protection needs to be given to the growers? I mean, where are we now? Are you saying that you are putting the duties back on for some other reason than to protect local growers of pumpkins, star-apples and melon?

I had no discussion really with the farmers and the Farmer's Association. I had a discussion with one person who is the head of the Farmer's Association who really was against what I was doing with regard to trying to reduce duties on foodstuff in order to see if I could affect the cost of living since no one was doing anything to affect the wages for people in this country.

If you are going to do nothing to affect the wages and see a general improvement in the wages, if you are going to do nothing about a minimum wage, if you are going to do nothing to encourage, at least, collective bargaining in the workplace to see that there is an improvement in the wages, but you are going to be willing to work to maintain duties on certain foods in order to protect certain groups because the philosophy is at the end of the day, we need to produce food for ourselves so that we should at some point develop to where we are self-sufficient or almost self-sufficient with regards to local produce . . . it is a desirable point and the persons that argue this point to me, I understand their argument.

But was it such a difficult argument that the government needed to have the farmers lobbying the government in order to get them to retract and now do something different than they intended to do?

I am going to be honest and I am going to stay with my original intention because I believe that my desire to have duties reduced is really based upon the fact that I would like to see if I could help to improve the lives of working Caymanian families. Since there is not very much that we seem to be able to do in the Legislative Assembly to improve the lives of working Caymanian families—since we do not legislate wages but we do legislate Finance Bills that have an impact upon the price of consumption items—I decided that I would take up this position out of a desire to try to do something here.

Now, we find that the government is saying that plantains and bananas should have a 15% duty to protect the persons that are producing them. In what quantities are they producing them? Could they be protected in such a way as to protect the farmers and also protect the consumer, the persons who make plantains and banana a part of their weekly diet?

The farmers are well organised in this country. They have the agricultural show and, therefore, they have a united and collective voice. They have been able to impress upon the government why they should replace the duty on these items. Working people in this country don't seem to have the same type of united voice. The consumers that must pay the extra money for the mangoes, papayas, breadfruit, and the golden apples have no voice here today. Therefore, it is assumed that it will happen because if you don't do what the organised farmers say, you might lose votes in election.

I heard people speaking to me, as if I should know that if I don't go along with their particular interest they are lobbying I would be penalised.

So what? You win some and you lose some.

I am going to stay on the side of the majority if that is the fair side. I am saying that if government is going to use this to protect the farmers, why don't they put back the duties on bakery products? Why are we going to have bakery products, including biscuits, move from 20% and be [duty] free and not replace that? We heard that Wholesome Bakery has gone out of business because of the removal of duties. What about all of the other bakeries?

I am not arguing that we should replace this duty because I think that competitors, growers, and producers have to learn to be competitive—to give the consumer a break. Not everything must be paid for by the consumer. If I want to farm, that's a risk that I become involved with. It is not a risk that I feel I can divide equally among members of society without them having a choice or a say.

If you are going to protect these particular growers today, what about the people who might be producing cabinets? What about the people who might be producing other things in the society, like water? Are we going to get to a point in our society where we use tariff as a way of protecting certain local industries?

I think government's use of import duties as a means of making revenue is one thing. Traditionally, I think that is what we have done. But if we are going to

now embark upon a course of using the tariff in order to produce locally grown goods, that is already the development of a different approach to economy.

We are saying the fact that there is no tariff on fruits grown in Florida is responsible for the depreciation in value of the fruits grown here. That is ludicrous because economics has told us over the ages that protectionism does not result in the improvement of the conditions of the persons that the tariffs are made to protect.

The old argument in America and other places is why you had to create tariff to restrict trade between the countries. This was so that the people who were working and labouring in your own country were not depressed and kept at a stage of poverty. Yet, the removal of protective tariffs and free trade in the world has improved the general living standard of working people all over the world.

The working people in Germany, England, America, Sweden, Ireland, and all these places have improved their standards as a result of the development of free trade. So, protectionism by using tariff does not necessarily protect the growers of these products at the end of the day.

I said before that we needed to find much more creative and dynamic ways of assisting the farmers because the farmers should be assisted. But the farmers, like everyone else, sell their goods—they do not give them away. They are involved in business just like anyone else is involved in business. I believe that what is important is that people have access to goods and services in this country at a reasonable price and that government does not interfere in making it possible for me to go to the supermarket or any place and have to pay a price simply because they limit the choice by using tariff in order to make one product more expensive.

Madam Speaker, I am not going to say much about the way in which the government has brought down the rates on restaurants, because I am quite sure this had to do with the task force they set up to study these things. You wonder why they don't set these task forces up before they go and do these things. Why can't they consult with the same people that they consulted after the reaction? It is almost like governing according to reaction—*'we will do this and then when people react we will see what we have to do to pacify everyone.'*

But it makes the people in the country feel that everything government does can be attacked by one group or the other and government does not have a serious philosophy, no permanency from the point of view of what they believe in. They believe in what they can be convinced of at the moment.

I think that especially when it comes to duties and increased duties, government needs to have a philosophy that is a little fairer. I think to put the duties back up on all these fruit items, while at the same time lowering certain types of cost on alcohol . . . when we are going to lower the cost on alcohol but we have not brought anything to lower the cost on school uniforms . . . I think that expresses the philosophy that government will react only

when people learn how to act as a pressure group. So, I think that maybe in a few months or so when we come back to something, we will have our little pressure group from the point of the union able to bark sufficiently at the government to also get maybe a few things done.

**The Deputy Speaker:** Does any other member wish to speak? (Pause) If no other member wishes to speak, would the mover wish to exercise his right of reply?

The Honourable Third Official Member.

**Hon. George A. McCarthy:** Just to thank honourable members for their support, and the comments of the Honourable Fourth Elected Member for George Town have been noted. Thank you very much.

**The Deputy Speaker:** The question is that a Bill entitled, The Finance Bill, 2000, be given a second reading. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it. The Bill has accordingly been given a second reading.

**AGREED: THE FINANCE BILL, 2000 GIVEN A SECOND READING.**

**The Deputy Speaker:** The House will now go into Committee to consider a Bill entitled the Public Service Pensions (Amendment and Validation) Bill, 2000, and other Bills.

## HOUSE IN COMMITTEE—7.08 PM

### COMMITTEE ON BILLS

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

Would the Clerk state each Bill and read its clauses?

#### THE PUBLIC SERVICE PENSIONS (AMENDMENT AND VALIDATION) BILL, 2000

**The Clerk:** The Public Service Pensions (Amendment and Validation) Bill, 2000.

Clause 1: Short title.

Clause 2: Amendment of section 4—Definitions.

**The Chairman:** The question is that Clauses 1 and 2 do form part of the Bill. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 AND 2 PASSED.**

**The Clerk:** Clause 3: Amendment of section 27—non-resident/non-Caymanians.

**The Chairman:** Honourable Third Official Member.

**Hon. George A. McCarthy:** In accordance with the provisions of Standing Order 52 (1) and (2), I give notice to move the following amendment to The Public Service Pensions (Amendment and Validation) Bill, 2000: that Clause 3 be amended by deleting item 3, which reads, “**The Administrator shall exempt from the coverage of the Plan an employee who is entitled to a contracted officer’s supplement**” and substituting “**An employee who is entitled to a contracted officer’s supplement shall not be entitled to coverage of the plan and the administrator shall exempt such an employee from the coverage of the plan.**”

**The Chairman:** I have waived the two-day notice required by Standing Orders. The amendment has been moved. Does any member wish to speak to it? (Pause) If not, does the mover wish to exercise his right of reply?

**Hon. George A. McCarthy:** No further comments, Madam Chairman.

**The Chairman:** The question is that the amendment do stand part of Clause 3. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENT TO CLAUSE 3 PASSED.**

**The Chairman:** The question is that Clause 3 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: CLAUSE 3 AS AMENDED PASSED.**

**The Clerk:** Clause 4: Repeal of section 29 and substitution—Defined benefit eligibility.

**The Chairman:** The question is that Clause 4 do stand part of the Bill. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 4 PASSED.**

**The Clerk:** Clause 5: Repeal of section 34 and substitution—late retirement.

The Honourable Third Official Member.

**Hon. George A. McCarthy:** Madam Chairman, in accordance with the provisions of Standing Order 52 (1) and (2), I give notice to move the following amendment to the Public Service Pensions (Amendment and Validation) Bill, 2000 that Clauses 5, 7, 8 and 12 be deleted.

**The Chairman:** Honourable Third Official Member, I think we should deal with the individual clauses, that Clause 5 be deleted.

**Hon. George A. McCarthy:** That Clause 5 be deleted, Madam Chairman.

**The Chairman:** The amendment has been moved. Does any Member wish to speak to it? If not, does the mover wish to reply?

**Hon. George A. McCarthy:** No further comments, Madam Speaker.

**The Chairman:** The question is that the amendment stand part of Clause 5. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 5 AMENDED.**

**The Chairman:** The question is that Clause 5 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: CLAUSE 5 AS AMENDED PASSED.**

**The Clerk:** Clause 6: Repeal of section 47 and substitution—Defined contribution eligibility.

**The Chairman:** The question is that Clause 6 do form part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 6 PASSED.**

**The Clerk:** Clause 7: Amendment of section 51—Accrued benefit payable on retirement.

**The Chairman:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** In accordance with the provisions of Standing Order 52(1) and (2), I give notice to move the following amendment to the Public Service Pensions (Amendment and Validation) Bill, 2000, that Clause 7 be deleted.

**The Chairman:** The amendment has been moved. Does any member wish to speak to it? If not, does the mover wish to reply?

**Hon. George A. McCarthy:** No further comments, Madam Chairman.

**The Chairman:** The question is that the amendment stands part of Clause 7. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENT TO CLAUSE 7 PASSED.**

**The Chairman:** The question is that Clause 7, as amended, do stand part of the Bill. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 7 AS AMENDED PASSED.**

**The Clerk:** Clause 8: Repeal of section 52 and substitution—Late retirement.

**The Chairman:** Honourable Third Official Member.

**Hon. George A. McCarthy:** In accordance with the provisions of Standing Order 52 (1) and (2), I give notice to move the following amendment to the Public Service Pensions (Amendment and Validation) Bill, 2000 that Clause 8 be deleted.

**The Chairman:** The amendment has been moved. Does any member wish to speak to it? If not, does the mover wish to reply?

**Hon. George A. McCarthy:** No additional comments.

**The Chairman:** The question is that the amendment stand part of Clause 8. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENT TO CLAUSE 8 PASSED.**

**The Chairman:** The question is that Clause 8 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 8 AS AMENDED PASSED.**

**The Clerk:** Clause 9: Validation of failure to transfer.

**The Chairman:** The question is that Clause 9 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 9 PASSED.**

**The Clerk:** Clause 10: Validation of failure to treat as defined contribution participant.

**The Chairman:** The question is that Clause 10 do form part of the Bill. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 10 PASSED.**

**The Clerk:** Clause 11: Validation of failure to include contracted officers in the plan.

**The Chairman:** The question is that Clause 11 do form part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 11 PASSED.**

**The Clerk:** Clause 12: Validation of failure to retire on normal retirement date.

**The Chairman:** Honourable Third Official Member.

**Hon. George A. McCarthy:** In accordance with Standing Order 52 (1) and (2), I give notice to move the following amendment to the Public Service Pensions (Amendment and Validation) Bill, 2000 that Clause 12 be deleted from the Bill.

**The Chairman:** The amendment has been moved. Does any member wish to speak to it? If not, does the mover wish to reply?

**Hon. George A. McCarthy:** No additional comments.

**The Chairman:** The question is that the amendment stand part of Clause 12. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENT TO CLAUSE 12 PASSED.**

**The Chairman:** The question is that Clause 12 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 12 AS AMENDED PASSED.**

**The Clerk:** Clause 13: Effect of sections 9, 10, 11 and 12 on proceedings.

**The Chairman:** Honourable Third Official Member, we have just deleted repealed section 12. Should section 12 be there?

**Hon. George A. McCarthy:** Madam Chairman, Clause 12 should be deleted by necessity.

**The Chairman:** This will then come about by the Second Official Member making the minor corrections since we have deleted 12, we will automatically—

**Hon. Donovan Ebanks:** Right.

**The Chairman:** The question is that Clause 13 do form part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 13 PASSED.**

**The Clerk:** A Bill for a Law to amend the Public Service Pensions Law to validate the failure to transfer employees of the Government from the defined benefit to the defined contribution part of the Public Service Pensions Plan; to validate failures to comply with requirements of the Public Service Pensions Law; and to validate failures to pay pensions after the normal date of retirement.

**The Chairman:** The question is that the Title do stand part of the Bill. If there is no debate, I will put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

### **THE FINANCE BILL, 2000**

**The Clerk:** The Finance Bill, 2000.

Clause 1: Short title.

Clause 2: Amendment of the Trade and Business Licensing Law (1999 Revision).

Clause 3: Amendment of the Customs Tariff Law (1999 Revision).

Clause 4: Validation.

**The Chairman:** The question is that Clauses 1 through 4 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 THROUGH 4 PASSED.**

**The Clerk:** A Bill for a Law to vary fees and duties on the various laws and to validate the previous charging of the varied duties.

**The Chairman:** The question is that the Title do stand part of the Bill. If there is no debate, I will put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

**The Chairman:** That concludes proceeding in Committee on a Bill entitled, The Public Service Pensions (Amendment and Validation) Bill, 2000 and the Finance Bill, 2000.

The question is that the Committee do report to the House. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it. The House will resume.

**AGREED: COMMITTEE TO REPORT TO THE HOUSE.**

**HOUSE RESUMED—7.22 PM**

**The Deputy Speaker:** Please be seated. Proceedings of the House are resumed.

Reports. The Honourable Third Official Member.

## **REPORTS ON BILLS**

### **THE PUBLIC SERVICE PENSIONS (AMENDMENT AND VALIDATION) BILL, 2000**

**Hon. George A. McCarthy:** Madam Speaker, I am to report that a Bill entitled the Public Service Pension (Amendment and Validation) Bill, 2000 was passed by a committee of the whole House with amendments.

**The Deputy Speaker:** The Bill is accordingly set down for third reading.

### **THE FINANCE BILL, 2000**

**Hon. George A. McCarthy:** Madam Speaker, I am to report that a Bill entitled, The Finance Bill, 2000 was considered by a committee of the whole House and passed without amendment.

**The Deputy Speaker:** The Bill is accordingly set down for third reading.

Bills, Third Reading.

## **THIRD READINGS**

### **THE PUBLIC SERVICE PENSIONS (AMENDMENT AND VALIDATION) BILL, 2000**

**The Clerk:** The Public Service Pensions (Amendment And Validation) Bill, 2000.

**The Deputy Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Madam Speaker, I beg to move that a Bill entitled, The Public Service Pensions (Amendment And Validation) Bill, 2000 be given a third reading and passed.

**The Deputy Speaker:** The question is that a Bill entitled, The Public Service Pensions (Amendment and Validation) Bill, 2000 be given a third reading and passed. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: THE PUBLIC SERVICE PENSIONS (AMENDMENT AND VALIDATION) BILL, 2000 GIVEN A THIRD READING AND PASSED.**

### **THE FINANCE BILL, 2000**

**The Clerk:** The Finance Bill, 2000.

**The Deputy Speaker:** Honourable Third Official Member.

**Hon. George A. McCarthy:** I beg to move that a Bill entitled, The Finance Bill, 2000 be given a third reading and passed.

**The Deputy Speaker:** The question is that a Bill entitled, The Finance Bill, 2000 be given a third reading and do pass. I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: THE FINANCE BILL, 2000 GIVEN A THIRD READING AND PASSED.**

**The Deputy Speaker:** That concludes the business before the House.

Before I entertain a motion for the adjournment, I would like, on behalf of honourable members, to thank the Clerk and her staff for being here to assist us during these long debates. I would particularly like to thank the Serjeant-at-Arms who has made me feel like a lady once and again, by opening the doors each time. I appreciate this very much.

I would like to say to honourable members that I have enjoyed my time in the Chair. I would ask that should I have to return to the Chair at any time, that we be as cordial to one another on the next occasion as we have been for the past month. I have thoroughly enjoyed it and I have appreciated your respect tremendously.

I will entertain a motion of the adjournment of this honourable House.

## **ADJOURNMENT**

**Hon. Truman M. Boddin:** Madam Speaker, I move the adjournment of this Honourable House until Wednesday, 7 June at 10.00 a.m.

Madam Speaker, I would like to take this opportunity to thank you for your tolerance and your able handling of your time as Speaker in this House. I would also thank very much the Serjeant-at-Arms, the Clerk, the Deputy

Clerk and all staff, and also Radio Cayman and the press for covering this very long meeting, which really is the culmination of the mid-November meeting that ran into this.

I would say that I am very happy to know that it is an adjournment for a while and look forward to seeing members in June, if not before.

**The Deputy Speaker:** The question is that this Honourable House do now adjourn until Wednesday, June 7 at 10.00 a.m. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it. This Honourable House is accordingly adjourned until June 7 at 10.00 a.m.

**AT 7.27 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 7 JUNE 2000.**





**EDITED  
WEDNESDAY  
7 JUNE 2000  
10.08 AM**

*[Prayers read by the Second Elected Member for Bodden Town]*

**The Speaker:** Please be seated. The Legislative Assembly is in session. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**VOTE OF THANKS**

**The Speaker:** Honourable Members, I rise this morning to take the opportunity to extend my deepest appreciation to all Honourable Members, officers of the House, friends and well-wishers for their interest, concern and good wishes during my illness. I would like to take this opportunity to thank the Honourable Deputy Speaker who performed the task in my absence so ably, and I will forever be grateful to all of you.

**OBITUARIES**

***Mr. Michael Foster***

**The Speaker:** On a sad note, since we were last in session the First Elected Member for George Town had a tragedy in his family, namely, [the death of] his stepson, Michael Foster. On behalf of all Honourable Members I would like to extend our condolences to his wife and all the family.

***Mrs. Sharon Knowlton***

Also in my district, one of our very beloved young ladies, the sister of the Honourable First Official Member, passed away after a rather long illness. The whole community is deeply saddened by it. In addition, the First Official Member's father also sat as a Member of this Honourable House.

I want to express on behalf of all Honourable Members to the immediate family and to the community on a whole, our deepest condolences upon the loss of one of our distinguished young ladies.

Thank you.

**The Speaker:** I recognise the Honourable Minister for Education, Aviation and Planning.

**ADJOURNMENT**

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until Monday, 12 June at 10.00 a.m.

The reason for this is that several members of this Honourable House—the Honourable Minister of Tourism, the Honourable Financial Secretary; the Honourable Attorney General; the Third Elected Member for George Town and I will be leaving the island tomorrow for talks with the Financial Action Task Force (FATF) which has been set up by the G7 nations, the larger nations such as Japan, United States and UK.

It is really our opening talks with them. The talks will be similar in many respects to that of the OECD, but into a different area in many respects. These are extremely important and critical talks for the Cayman Islands and we would ask for everyone's prayers as we go off on this.

That is the reason why we have asked for this adjournment and we have spoken to Members of this Honourable House. Thank you.

**The Speaker:** I shall now put the question that this Honourable House do now adjourn until Monday, 12 June 2000. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**APOLOGIES**

**The Speaker:** Before finally adjourning, I would like to tender apologies for the Honourable Second Official Member who could not be present this morning.

The House now stands adjourned until Monday, 12 June 2000.

**AT 10.13 AM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 12 JUNE 2000.**



**EDITED  
MONDAY  
12 JUNE 2000  
10.21 AM**

*[Prayers read by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Administration of Oaths or Affirmations. Administration of Oath of Allegiance to Mr. Donovan W.F. Ebanks, MBE, Deputy Chief Secretary, to be the Acting Temporary First Official Member.

Would you please come forward to the Clerk's desk and would all Honourable Members please stand?

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**

*(Mr. Donovan W.F. Ebanks, MBE)*

**Hon. Donovan Ebanks:** I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

**The Speaker:** Mr. Ebanks, on behalf of all honourable Members I welcome you to this Legislative Assembly. Will you please take your seat as the Acting Temporary First Official Member?

Oath of Allegiance to Mr. Samuel Bulgin, Solicitor General, to be the Acting Temporary Second Official Member.

Mr. Bulgin, will you come forward to the Clerk's table?

**OATH OF ALLEGIANCE**

*(Mr. Samuel Bulgin)*

**Hon. Samuel Bulgin:** I, Samuel Bulgin, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

**The Speaker:** Mr. Bulgin on behalf of all Honourable Members I welcome you to this Legislative Assembly for the time of your service. Please take your seat as the Acting Temporary Second Official Member.

Please be seated.

Item number 3, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** We have apologies from the Honourable First Official Member who is overseas on official business. The Honourable Second Official Member is also absent. I have apologies from the Second Elected Member for Bodden Town. I also have apologies for the late arrival of the Honourable Third Official Member.

**HOUSE PROCEDURE**

**The Speaker:** Honourable Members, I rise this morning to talk to you briefly on procedure. We have a long agenda ahead of us. Much is to be accomplished and there are many important things happening in the year 2000. I want to say there are many questions and motions. I want to say that it will be necessary that I watch relevance and repetitious debate very closely. I ask that you help me in order that this proceeding can go as rapidly and as correctly as possible.

I also want to speak to you on the times that this Honourable House will sit. In Standing Orders, we should commence proceedings at 10.00 a.m. I ask your cooperation. We are also entitled to two breaks—one in the morning and one in the afternoon if members so choose. I ask that we curtail these breaks to a maximum of 15 minutes and eliminate them when possible.

It is important that we get the country's business taken care of, but it must be done according to procedure. I thank you.

Item number 4 on today's Order Paper, questions to Honourable Members/Ministers. Question 1 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 1**

**No. 1: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources to state the production levels of turtle meat at the Turtle Farm for the past four years and to indicate the state of the present breeding stock at the Farm.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The question will be answered in two parts (a) and (b) as follows:

- (a) Production levels of turtle meat at the Cayman Turtle Farm for the past four years:

| Years          | Turtle Meat Produced |
|----------------|----------------------|
| 1996           | 96,516 lbs.          |
| 1997           | 114,330 lbs.         |
| 1998           | 104,921 lbs.         |
| 1999           | 107,577 lbs.         |
| Jan - May 2000 | 48,093 lbs.          |

It is estimated that 74,440 lbs. of meat will be produced during the remainder of this year, an estimated total of 122,533 lbs. this year.

- (b) The breeding herd consists of 184 turtles from the wild, or wild eggs, and 115 first generation captive breed turtles. These animals are removed from the pond and examined each year prior to the beginning of the breeding season and unhealthy turtles removed for treatment. The breeding stock is, in our professional opinion, in good health.

### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you. Can the Minister state if the volume of meat produced is based on the demand for that meat, or is it based on the ability to produce that amount?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** It has been based on the demand for meat.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the Minister state, if the demand were increased, is the farm presently able to cope with an increased demand and to what level is it able to cope?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** While we cannot give a specific amount, we could increase the demand if we needed to.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I am assuming what the Minister meant was that you could increase the supply.

Can the Minister state if it has been the policy of management to try to get the stock to the point where the size of the turtles butchered is up to a higher weight? What is that weight now, and is there any intention to

getting it to a larger weight since most members of the public prefer the meat of the larger turtles?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The turtles that are butchered now are kept for about four years and average about 110 pounds. It is possible that the turtles could be grown out more like the Member has just mentioned, but it would be much more costly to actually produce the meat. So it would mean a couple of things: First of all, we would have to increase the price of meat, which we have been trying to keep down.

**The Speaker:** Before calling on the First Elected Member for George Town, does any other Member have a supplementary?

Did you have a follow-up the First Elected Member for George Town?

**Mr. D. Kurt Tibbetts:** Can the Minister state if the numbers given in the answer are considered to be acceptable to create continuity with the numbers of stock in the Turtle Farm? If so, is there any padding with regard to the amount kept there, or is it just on the border line?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** As the Member mentioned there is a padding, if we want to call it that, because we do realise a lot of turtles could have been kept and grown out. So, definitely we do have padding in there.

**The Speaker:** Are there any further supplementaries? If not, we will move on to question 2, standing in the name of the Second Elected Member for Bodden Town.

### DEFERRAL OF QUESTIONS 2 AND 3

**The Speaker:** Unfortunately, the Second Elected for Bodden Town is off the island. So, with the permission of the House, we will set this down for a later sitting. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. That includes questions 2 and 3.

**AGREED: QUESTIONS 2 AND 3 DEFERRED UNTIL A LATER SITTING.**

**The Speaker:** Question No. 4 standing in the name of the Third Elected Member for Bodden Town.

### QUESTION 4

**No. 4: Mr. Roy Bodden** asked the Honourable Minister with responsibility for Education, Aviation and Planning to state the Ministry's plans for the establishment of a third high school on Grand Cayman.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Plans are underway to establish a third High School on Grand Cayman to be ready for students in September 2003. The school will take students in Years 7 – 12 and is proposed to be located in the Bodden Town area of the Island. The school will also serve as a major hurricane shelter for the Bodden Town area of the Island.

### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Minister explain more precisely when he says, "the Bodden Town area"? Presumably, this school will serve the eastern districts of Bodden Town, East End and North Side. Am I to understand when the Minister says "the Bodden Town area" that it is going to be within the physical precinct of Bodden Town? Or is there any consideration of siting the school at a more central location where it would be equal distance from East End, North Side and Bodden Town?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** At present, land is being looked at in the Lower Valley area and is expected to draw its student body from around the eastern and mid-eastern districts of the island.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Would the Honourable Minister say that this facility in Lower Valley will be serving the children from the district of North Side, since it is for the eastern district?

Before he answers that, would it not be better to put this facility somewhere in the area of either Breakers or Frank Sound, where it will serve that community? The school children in North Side right now are at the bus stop at 5.45 a.m. in the morning. They don't return to that district until after 6.00 p.m. in the afternoon, some of them.

Would the Minister say if he would look at an area where, as my colleague from Bodden Town just said, is an equal distance for all students from the eastern districts?

**The Speaker:** Honourable Minister of Education, Aviation and Planning.

**Hon. Truman M. Bodden:** By all means. Any suggestions that members have on this, if you get them into the ministry we will put this to the department and the members who are working on this within the department.

**The Speaker:** Are there any further supplementaries?  
The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I noticed in the answer that the Honourable Minister gave he said that the school will take students in Years 7 -12. I am certain that is inclusive. Now, at present, what we have is the George Hicks High School and the John Gray High School, which have those six years split. George Hicks deals with Years 7 - 9 inclusive, and John Gray deals with Years 10 - 12 inclusive. What will this do for the system itself bearing in mind that you are going to have two campuses: one separated dealing with Years, 7 - 12 divided into two, and another campus which will have all six years together?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, with three schools we don't really have a choice on it. Ultimately, when there is a fourth school, then that aspect of the division can be looked at. The campus will have to be kept reasonably small, which it will initially but the only way that this third can work will be if we do a full junior high and high school together.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I don't understand really what the objectives are. If it is expected to serve the three eastern districts, that is, Bodden Town, East End and North Side, and the initial plans are for it to be located somewhere in the Bodden Town area . . . and I noticed that it will also serve as a hurricane shelter for the Bodden Town area. Am I then to understand that somewhere in the original conception the school was only design to serve the Bodden Town area?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The answer to that is no.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I take the Minister's answer. Now, I wish to ascertain from the Minister to whom should we submit this suggestion to site the school an equal distance from all three district? Because we are quite serious about this and we would like to formally make this suggestion in the initial stages while it can be accommodated in the design and discussions of the plans.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** If the suggestions, together with the reasons, could be sent to the Ministry I will move it on to a committee that has been dealing with this.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I am a bit perplexed at the Minister's answer with regards to my question before about the third high school accommodating Years 7 through 12, which I am not suggesting it should not, by the way.

I am not satisfied with the answer that the Minister just gave me. First of all, perhaps the Minister could give us the reasoning behind the two high schools that now exist, each one only accommodating three years, that is, 7 through 9 for one and 10 through 12 for the other.

I understand he is saying that the better plan would be to have two more, that is what I understood him to say—one dealing with Years 7 through 9 and the other, 10 through 12. Can the Minister explain to us what are the advantages of having the system and campuses split two ways compared to Years 7 through 12 on one campus?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, the basic reason had been to separate the middle school children, the first three years from the last three years. Especially once this school becomes large, dealing with a range of ages it becomes more difficult. I did mention a bit earlier, and I hoping this school . . . well, it obviously begins small because it will draw on areas where the present two schools are not, and we should be able to pull the three schools down to a better size.

**The Speaker:** Are there any further supplementaries?  
The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Based on the answer the Minister just gave, does he still hold fast to the concept—given the atmosphere that prevails at present and given the history of those two schools which have existed separately now for several years—it is the right thing to separate those age groups in high school?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The answer to that is yes. I think it would be better if we could build two high schools. At present, we do not have the funds. Therefore, I will be requesting the department to ensure that schools will be kept reasonably small and the proper guidelines will be in place for dealing with it. We now

have two very good schools, the George Hicks and the John Gray. They are extremely good and I have no doubt that the third school will also be kept at a very high standard and that the necessary procedures will be put in place to effectively deal with the school.

**The Speaker:** Any further supplementaries?  
The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I would just like to ascertain from the Minister if the full implications of what he is proposing have been investigated because in essence what is happening is that you are having one system and two policies. Can the Minister say how this system is going to be managed administratively and sensibly if what he says is going to obtain come September 2003?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** While I would welcome any suggestions the member has, we are now doing exactly that in Cayman Brac. So we, therefore, have twenty-odd years of experience in doing this. There is a system in place in Cayman Brac and it works well. The school is kept small and it is a very good school, as the member knows. They have consistently had some extremely high CXC exam [results]—in fact, best in the Caribbean. That school has worked very well, so we do have the expertise within the school system, the department, and the ministry.

**The Speaker:** The First Elected Member for George Town. Two additional supplementaries after this.

**Mr. D. Kurt Tibbetts:** We will share them.

What the Minister has just said we accept to be a fact. Would it not be a better consideration then, given that the numbers would be much smaller in each location, for us to have three high schools and end up with a fourth high school in the Cayman Islands with all of them, Years 7 through 12, keeping them small?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The member has not been following what I am saying in this respect. The two present schools . . . and the reasoning is that it is fairly easy to deal with a full middle and high school up to certain sizes, but once a school gets very large it then becomes far more difficult to deal with through high school. Cayman Brac, as I mentioned earlier, is a much smaller school. I would not propose to attempt to change two very good schools that are working well and which have very good results, which the parents are happy with, and turn them into totally different schools from that point of view.

Also, they are side by side up there so geographically it seems to me it would not help the travelling dis-

tance any more than it is now if this had been borne in mind.

**The Speaker:** Are there any further supplementaries? If not, then we will move on to question 5, standing in the name of the Elected Member for North Side.

### QUESTION 5

**No. 5: Mrs. Edna Moyle** asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning what are the requirements and qualifications for persons who are appointed teachers' aides in government primary schools.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** The requirements and qualifications for persons who are appointed as teachers' aides in government primary schools are as follows:

- The person must have a high school diploma, a minimum of 5 CXC passes, which must include mathematics and English.
- The post holder must be computer literate, have a caring attitude and a strong desire to pursue teaching as a career after one to two years as a teacher's aide.

### SUPPLEMENTARIES

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Would the Honourable Minister say if all teachers' aides or support assistant teachers, I think they are called, have these qualifications in government primary schools at this time?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** I would not like to try to answer now on support assistance, but I do know the position on the teachers' aides is as set out in this answer. The teachers' aides basically want to move on to teach.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, can the Minister say after one or two years as a teachers' aide whether the government grants these persons a scholarship?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** Education and the teaching profession for scholarships is given first priority. Anyone who qualifies to become a teacher will get a scholarship,

or I should say has gotten the opportunity to get a scholarship, and that is I think without exception, sir.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the Honourable Minister would be in a position to state the difference between the qualifications for teachers' aides and support staff?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** The basic difference is that the teachers' aides are looking at a career in teaching and looking to go off to become fully qualified teachers. The support assistants in effect can range from fully qualified teachers (if we can find them) through to persons who may have a high school certificate but who the department feels would fit into that position.

In other words, they could be older people (and so could a teachers' aide), but by and large they are really not people who are looking to go on to become a teacher.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** So, basically the only difference between the teachers' aide and the support staff is that the teachers' aide is looking to go on to become a qualified teacher, but the support staff is not. Am I correct in understanding that?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** That is basically correct, except that they may not necessarily have, say, five CXCs. What I would have to really do if the Elected Member for North Side wishes to have details on the support assistance—because I did not come really prepared on that—I could get any further details she may wish, sir.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** This will be my last supplementary. I wonder if the Honourable Minister would undertake to have the department investigate that all teachers' aides and support staff for the government primary schools do come in line with the qualifications that are required by the Department of Education.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** I so shall do, sir.

**The Speaker:** Are there any further supplementaries? If not, that concludes Question Time for this morning.

Moving on to Other Business, Private Members' Motions. Private Member's Motion No. 13/2000, Conflict

of Interest Legislation, to be moved by the First Elected Member for George Town.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 13/2000

#### CONFLICT OF INTEREST LEGISLATION

**Mr. D. Kurt Tibbetts:** Mr. Speaker, I wish to move Private Member's Motion No. 13/2000.

**The Speaker:** Do we have a seconder?

**Mr. Roy Boddén:** Mr. Speaker, I wish to second the motion, sir.

**The Speaker:** Private Member's Motion No. 13/2000 has been duly moved and seconded. Does the mover wish to speak to it?

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I will read the motion itself. The reason why I did not read it at the very onset is because I wish to draw to your attention (as I had discussed with you before) that there is an amendment to the original motion, which I seek to move.

Unfortunately, the amendment has not been circulated, and perhaps if we wish to just give members a couple of minutes, then I will continue.

**The Speaker:** I think that would be appropriate.

In the interest of time maybe the First Elected Member for George Town could read the motion if that's—

**Mr. D. Kurt Tibbetts:** I don't have a problem with that, sir, I simply wanted to make sure members had it in front of them. Mr. Speaker, Private Member's Motion No. 13/2000 reads:

**"BE IT RESOLVED THAT the Government consider enacting legislation which clearly establishes parameters which would avoid conflicts of interest on the part of Elected Ministers and Official Members of Executive Council in the pursuit of their public responsibilities and their private business interests."**

Now, the amendment which I have sought leave of your good self to bring is simply an additional resolve section. If I could, I would like to read that.

**The Speaker:** Please go ahead.

#### AMENDMENT TO PRIVATE MEMBER'S MOTION 13/2000

**Mr. D. Kurt Tibbetts:** [The amendment reads]: "In accordance with the provisions of Standing Order 25(1)

**and (2), I, the First Elected Member for George Town, Aviation and Planning, seek to move the following amendment to Private Member's Motion No. 13/2000 entitled Conflict of Interest Legislation by adding the following resolve—**

**The Speaker:** Before you do that, let us do it right. Do we have a seconder for this amendment?

**Mr. D. Kurt Tibbetts:** I was just going to read it, and get the seconder this time. But I can do it just like I did before. No problem, sir.

**The Speaker:** Bear with me.

**Mr. Roy Boddén:** Mr. Speaker, I respectfully beg to second the amendment, sir.

**The Speaker:** An amendment to Private Member's Motion No. 13/2000 has been duly moved and seconded. Please continue.

**Mr. D. Kurt Tibbetts:** To just go on, sir, that amendment reads, "**BE IT FURTHER RESOLVED THAT the Government enact legislation based on the Guidelines for a Code of Conduct for Members of the Legislative Assembly as tabled in the Legislative Assembly on the 27<sup>th</sup> September 1996.**"

**The Speaker:** You may continue with your debate.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, I just need to ask you, before I continue, are we going to do what you have in the past preferred to do and deal with the original motion? Or the amendment together—

**The Speaker:** Let me put that to the House.

Honourable members in view of this amendment having been moved and seconded and presented to the House which adds an additional resolve section, would it be an agreement that we debate it as amended rather than having two separate debates?

If members would wish that we debate the motion and then come back to the amendment I have no problem, but I would just like to get on with proceedings.

The Third Elected Member for Boddén Town.

**Mr. Roy Boddén:** Mr. Speaker, in the interest of time and bearing in mind the position as indicated by the Chair, sir, it would seem in the best interest to debate the amendment at the same time that we are debating the substantive motion.

**The Speaker:** Do I have an indication from Government? The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** Mr. Speaker, we have just seen this amendment, and I think we need a bit of time to consult on it. It may be better if the Honourable Mem-



ber goes on and during the break we would be able to discuss this and figure out if we can go on jointly from there or whether—

**The Speaker:** The only problem I have with that is that this motion, which has been accepted, is on the floor, the amendment to the motion. So, if necessary, we could take a short break.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, if I may, sir.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I appreciate what you are saying. But my understanding of the situation that obtains at present is simply this: If we are not able to encompass both, then what is going to be debated right now is the amendment. The reason I was suggesting we marry the two, sir, is because they are so inter-locked with lines of argument; and, in the interest of time, if I debate those separately it is going to take much longer to deal with, than if the two of them were together. That is the only reason why I was saying what I was saying, sir.

**The Speaker:** It is a bit early for the morning break but I would suggest that we take the morning break. I shall suspend proceedings for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 11.02 AM

#### PROCEEDINGS RESUMED AT 11.58 AM

**The Speaker:** Please be seated. Proceedings are resumed. It is my understanding that we will now proceed with the amendment to the motion. Do you wish to speak to it? The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, just seeking your guidance, sir. I don't have a problem going either way, but are we going to be dealing with both? Or do we need to get one out of the way.

**The Speaker:** Maybe I should explain myself.

**Mr. D. Kurt Tibbetts:** Yes, sir.

**The Speaker:** Once this motion is on the floor of the House, we will have to deal with it without the amendment. Once it is amended, we shall debate the motion as amended.

**Mr. D. Kurt Tibbetts:** In that case, Mr. Speaker, even if I am not 100 percent sure about the reception of the amendment I will have the opportunity to wind that up. Then I won't speak on it. I will hear what members have to say about it.

**The Speaker:** I shall now put the question that Private Member's Motion No. 13/2000 be amended—

Does any member wish to debate it? The floor is open to debate. (Pause) Does any member of Government want to debate? (Pause) If there is no debate then I will put the question.

The question is that Private Member's Motion No. 13/2000 be amended as follows: **“BE IT FURTHER RESOLVED THAT the Government enact legislation based on the Guidelines for a Code of Conduct for Members of the Legislative Assembly as tabled in the Legislative Assembly on the 27<sup>th</sup> September 1996.”** Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. Private Member's Motion No. 13/2000 has been duly amended.

**AGREED: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 13/2000 PASSED.**

**The Speaker:** We shall now debate Private Member's Motion No. 13/2000 as amended. The First Elected Member for George Town, do you wish to move it?

**Mr. D. Kurt Tibbetts:** Just before I move into that motion as amended, there was another amendment. We just wish to know where that is going and then we will be able to continue sir.

**The Speaker:** It is my understanding that will be dealt with later in the debate.

**Mrs. Edna Moyle:** Mr. Speaker, if I may sir. Standing Order 25 (5) says, **“When two or more amendments are proposed to be moved to the same motion, the Presiding Officer shall call upon the movers in the order in which the amendments relate to the text of the motion, or in case of doubt, as he shall decide.”** [Standing Order 25(6) says,] **“Any amendment may be withdrawn at the request of the mover . . .”** but certainly, we should deal with both amendments to see whether they are negated or carried before we debate the motion as amended, I would think.

**The Speaker:** I beg to differ with that. It says in the motion on which they are presented. The First Elected Member for George Town asked to move his amendment, so I am moving that. When the Honourable Minister for Education, Aviation and Planning asks for his amendment, we shall then move that. It says “in the order they were received.” It does not say “consecutively.”

Please continue First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, the motion as amended thus far will now read, **“BE IT RESOLVED THAT THE GOVERNMENT consider enacting legislation which clearly establishes parameters which would avoid conflicts of interest on the part of**

**elected ministers and official members of Executive Council in the pursuit of their public responsibilities and their private business interest.**

**“AND BE IT FURTHER RESOLVED THAT the Government enact legislation based on the Guidelines for a Code of Conduct for Members of the Legislative Assembly as tabled in the Legislative Assembly on 27<sup>th</sup> September 1996.”**

Now, this business about a code of conduct for legislators, while that is the second resolve, I am going to begin by just talking about that for a few minutes. This is something that has been kicked around in this Parliament from before I got here. On more than one occasion, moves have been made to deal with this aspect of the activities of the country's representatives. It got as far as the guidelines mentioned in the motion actually being tabled on the Legislative Assembly on 27<sup>th</sup> September 1996, but nothing went any further. So, the real purpose of this motion at present is to deal with legislation.

As of now, we have this Guideline which was tabled, but that is exactly what it says it is—simply a guideline. We also know that there is something called a Guide to Executive Council, which I understand deals with certain aspects of the activities of the members of Executive Council with regards conflict of interest. In both instances they are simply guidelines. At present, there is no real legislation which can dictate specifically and clearly exactly what parameters one should be examining as a legislator with regards to one's activities in all the various areas.

So, this motion is seeking simply for legislation to be created to encompass both activities, that is, both the activities of members of Executive Council and the activities of all members of the Legislative Assembly.

Mr. Speaker, the fact is that while we actually have a ministerial system in place to a certain degree, constitutionally the reason why we have two sections in this motion now is because there are activities which members of the Legislative Assembly participate in, in the decision-making process, but you have a second tier where the Executive branch of Government makes other specific decisions which ordinary members of the Legislative Assembly don't participate in. It is for that reason why the motion is actually in two parts.

Mr. Speaker, when we talk about conflicts of interest, this motion is actually but a small point of a big picture that we are trying to create. It all has to do with the two words that you and others may hear us mention quite often and those two words are “transparency” and “accountability.” This is but another part of the whole scheme to create the machinery in the operations of government which are going to be not only conducive but are actually going to fall in line directly with the principles of transparency and accountability.

At present, the public you always hear rumours about this one or that one or the next one and what they did and what they did not do. And on many a occasion there is simply no mechanism in place to ensure that the accountability and the transparency exist so that you can

put those types of rumours (if that is what they are at the end of the day) to rest.

We have access, Mr. Speaker, to other legislation, which has been put in place in other jurisdictions and we also have access to the Guidelines which were created, for a Code of Conduct for Members of the Legislative Assembly. Those guidelines basically deal with many areas that, once we have proper legislation in place, would take care of any risky situation that might occur either by perception or reality with regard to the activities of legislators. Once we have the legislation in place, there can be no question. And no legislator, present or future, once the legislation is in place, will be able to make any judgment calls and not have proper legislation as a guide for the activities that are acceptable and those that are not.

In the Guidelines for a Code of Conduct for Members of the Legislative Assembly, Mr. Speaker, if you would allow me, sir, I just wish to read one paragraph of those guidelines to explain the position that is being taken with the motion.

**The Speaker:** You may.

**Mr. D. Kurt Tibbetts:** It reads at the very beginning, **“It is the personal responsibility of every Member of the Legislative Assembly to maintain those standards of conduct which the House and the electorate are entitled to expect, to protect the good name of the Legislative Assembly and to advance the public's interest. Members should observe the general principles of conduct which apply to all people in public life. Those general principles are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.”**

It also address financial interests, and then it goes on to outline the various areas that need to be addressed and certainly would be addressed in any legislation that is coming forward.

I am not going to make the opening a very long one, Mr. Speaker, bearing in mind your talk to us this morning. But what I am going to do at present is to just give a basic outline from the very first resolve section and perhaps members can make their own comments with regard to that. Most of the working of this is not just debate, it is the legislation that needs to be created. Perhaps I don't have to go into all of the details of what such legislation will encompass in order to prove the motion, as I think most members were here before, and even those who were not here before, have a feel for what we are trying to achieve.

When we talk about the parameters we wish to establish that would avoid conflicts of interest on the part of Elected Members and Official Members of Executive Council in the pursuit of their public responsibilities and their private business interests, this is not to do with any individual, Mr. Speaker. It is simply something that we feel is quite necessary. Times have changed. Whereas in years gone by there would be no questions asked, the public is much more aware. The truth of the matter is that

the political atmosphere is a bit more tense, and people are called to task more often by their peers, by their colleagues, and by the public at large. So, we find it very necessary to be able to have the type of legislation so that there won't be questions in the minds of the public and fellow legislators.

When we talk about financial interest in the Guidelines, it does not limit itself to Executive Council Members but it spreads throughout the entire Legislative Assembly. It says, "**A Member must not promote any matter in the Legislative Assembly or the Executive Council in return for payment.**" It does specifically address certain other areas, which I don't need to go into. But I want to impress that while there is a separation in the two resolve sections and one might want to say that the second resolve can take care of the first, what we wish to impress in this motion is that there actually needs to be a differentiation in the rules and regulations because of the decision-making process and the level of that decision-making process between the Executive branch of Government and the Legislative branch of Government. So, that is the whole purpose of the motion.

What I am going to do now, Mr. Speaker, is simply allow members to give their input and depending on what that input is we will see how far we have to go with regard to any more detail about it. As I said, the important thing is the creation of the legislation.

The last thing I would like to say before I close off my opening remarks is that we mentioned nothing about a select committee in the motion. With anything of this nature, history has proven to us over ten years that select committees have not been able to get us to the point that we need to get to. There is a lot of research that has been done. A lot of information is held in the records and, of course, there is a lot of information which we have access to that we can put together and give to the people who draft such legislation for them to be able to draft it. So, we are not seeking a select committee because we are seeking to get this done as fast as possible.

**The Speaker:** The floor is opened to debate, does any other member wish to speak? The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker, just to speak briefly on the motion and to indicate Government's support of the motion. I would like to assure the mover and the seconder that we have certainly talked amongst ourselves and would not look at putting this motion into select committee, as most people know what happens to motions when they go that route.

I think it is a very good and timely motion. I don't have to say that this is an election year. It has a good basis as I see there are certain components already in place such as the Register of Interest and the Guidelines for a Code of Conduct for Members of the Legislative Assembly, which was dealt with back in 1996. I feel sure other members will go into more detail but, as I said, I

feel this is timely and I think Government has no problem dealing with this.

As far as the legislation goes, as we all know there are certain areas that we cannot legislate. But I think we have basically a good Guideline in the Code of Conduct. I would like to assure the mover and the seconder that we have no intention of putting this motion into a select committee, and Government does intend to support this. Thank you very much.

**The Speaker:** The floor is opened to debate does any other member wishes to speak? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, the motion and its accompanying amendment fall into the category quite rightly articulated by the honourable mover, promoting transparency and accountability. There are those of us on this side who for many years now have been discussing amongst ourselves how best we can improve what some of us see as the fraternity of politicians. We have come to the conclusion that the best way for us to effect the kinds of changes we would like to see effected is if we do so ourselves. History has proven that when sanctions or improvements are forced from the outside usually they are harsher and are more like to meet with objection and obstruction than when they come from within.

That being the case, we believe that this move as it accompanies the Register of Interests is a move to further streamline and to serve to let the outside know that as politicians we are serious about projecting ourselves in responsible above board transparent and accountable ways.

Those of us on the backbench who hang together have been discussing this motion for quite some while. When we were in the throes of early discussion, the First Elected Member for West Bay floated the idea that we should have moved the motion earlier. But the consensus of opinion at that time (for a varying number of specific reasons) was that was not the appropriate time to move the motion. Therefore, the group decided that we would defer the move until this time when we believed we would have had a better grasp of where the motion should go, a better feel of members' attitude towards the acceptance of the motion and certainly we would have had a greater sounding of members' dispositions as regards transparency and accountability and how much turf members were prepared to yield.

As a consequence of that, Mr. Speaker, we have decided, after some wrangling among ourselves, that this would be the more appropriate time to bring the motion with its accompanying amendment. For obvious reasons one of the things we wanted to show is that we as representatives of the people are prepared to be as open and as transparent and accountable for our actions as we should be, particularly those of us who are seeking re-election. We did not want to convey any impression of arrogance, or that we were above any kind of control. And, certainly, we wanted to let the public know that we were prepared to be answerable.

Mr. Speaker, I am reminded that as early as 1989 there was a motion brought to this honourable House calling for a code of conduct for legislators. That motion came again in 1994, and was unanimously approved. But not much was done. Now, it is necessary to arrive at a situation where we have specific legislation, which sets out the parameters within which members should separate their public responsibilities from their private business interest—if for no other reason, Mr. Speaker, than because this is an accepted practice in other jurisdictions, particularly those jurisdictions who follow the Westminster style of Parliament.

It has also to do with the increasing importance ethics have come to play in the conduct and behaviour of Members of the Legislative Assembly, as well as Ministers of Government. It is my understanding that the ministers already have some guidelines by virtue of the fact that they are governed by some code, which sets out the practice and behaviour for members of Executive Council. But we also believe that in a world where it is recognised that there should be some freedoms, that Parliament should be such that it attracts the highest calibre of people. That is, not only people who are professional politicians, but persons who are free and who have a certain encouragement to carry on private, economic, and business activities. We believe that there should be some clear-cut rules and parameters that separate this conduct between a person's public responsibilities and their private business interest.

Perhaps the greatest example of the importance of this was some years ago in London with the tabling of the Nolan Report, whose official title was *Standards in Public Life*. I would like to briefly refer to a text entitled *Parliament and the People: The Reality and the Public Perception*, by Philip Laundy. Laundy is quoting the Nolan Report. Mr. Speaker, I will selectively choose some important and relevant short references, the first of which has to deal with Members of Parliament. The Nolan Report recommended that Members of Parliament should remain free to have paid employment unrelated to the their role as MPs.

I am made to understand that in Westminster many of the honourable Members have paid consultancies, so it was necessary for the Nolan Report to draw clear lines between conflicts which arose from paid consultancies and the behaviour which was strictly in order and in line with a Member representing his constituents.

When it comes to Ministers, Mr. Speaker, the problem is no less important. In some jurisdictions outside of the jurisdictions practising the Westminster system, there is a serious and clear-cut sanction against persons who grey the area or who mistakenly make the public responsibilities stream over into their private business interest.

Mr. Speaker, I am sure being a follower of the American system you will be familiar with the case of Wilbur Mills who was the Chairman of the Ways and Means Committee, and the trouble he got into with the employment of someone who could not even type let alone offer any other professional service. There are other celebrated cases of more recent history, so it is

widely accepted in democratic systems of government that there should be a clear-cut separation that there can be no greying or blurring of the area at all.

To approach the matter from the perspective of laying out for elected officials the clear parameters is not to admit that elected officials are any more susceptible, but, rather, to highlight the willingness and the recognition that elected officials themselves would like to see the parameters set out so that there can be no misconstruing, no insinuation of any abuse of authority on the part of detractors.

Conflict of interests is a grey area of behaviour that is often unethical but not illegal. So I guess an important point to underscore is that we are saying that conflict of interests as it comes to affect elected officials is usually classed as unethical behaviour, but in most cases there is no illegality or no criminal intent. We would like to see that we in the Legislative Assembly of the Cayman Islands recognise that we have an obligation to abide by certain high moral standards. We would like to see going into the 21<sup>st</sup> century the highest code of conduct and the highest demand on present and future Members who inhabit this Legislative Assembly.

I want to underscore that by saying that the motion is not seeking to besmirch any honourable Member. It is not seeking to cast aspersions on any honourable Member. It is not seeking to belittle any honourable Member. It is seeking to address a need that we see should be addressed at this time in our Legislative Assembly development, and one that is also in keeping with current international trends and practices.

Mr. Speaker, the mover mentioned that there is specific legislation that deals with the business of conflict of interests. I would like to say (without stealing so much of the mover's thunder) that when we were discussing this motion we sought copies of this legislation. We have a copy (which was procured by the deputy clerk), which I am sure the mover will make available. I have already circulated a copy to your good self, and in discussing this with my colleagues to assure them and to inform them as to what we were doing, I gave some copies to them.

What is important to state at this point is that we are no different from many other parliaments that are trying to maintain a sense of professionalism, a sense of responsibility, and certainly to promote accountability. It is recognised that Members of the Legislative Assembly and Members of Parliament in many jurisdictions have ample and great opportunities to promote themselves and to promote their interests by virtue of the fact that they are privy to certain information and to certain decision making.

I believe that a certain amount of this exists in all parliaments and in all jurisdictions. Certainly, there are celebrated cases. I was reading some cases of the Ukraine shortly after they devolved from the old Soviet Union. There were about 160 members of the new Ukrainian Parliament who found themselves in very blatant conflict of interest situations. The Ukraine Government had to embark on drafting conflict of interest legis-

lation that sought to extricate Members from such a position.

Mr. Speaker, it has to be realised and it has to be recognised that sometimes these situations are not necessarily of the honourable Members' own making or crafting. Sometimes, quite inadvertently, people find themselves in situations.

I am reminded too that recently in the United Kingdom there was a case where the Parliamentary Commissioner (responsible for pursuing charges of conflict of interest among honourable Members the United Kingdom) had an investigation into the conduct of one, Mr. Bowen Wells, who was a Conservative Member of Parliament, as a result of his association with the company called Belize Holdings and its association with Belize Bank. Well, after some torrid, incendiary, and long investigations, Mr Wells was exonerated of any kind of criminal behaviour, although the conclusions did on two counts find his conduct less than professional. He was exonerated of any serious charge which would have ruined his legislative career and ruined his tenure in the House of Commons. But it served the Members of the House of Commons to realise that even they themselves—the Mother of Parliaments, as we call them—still need to keep an eye out occasionally for potential conflict among Members and their private association.

This motion, therefore, has implications for better conduct. It, along with the Register of Interests we have in place, will serve to inform, encourage, and to notify the public that their representatives have every intention of setting a system where they are prepared to abide by the rules they set themselves.

Mr. Speaker, I often refer to the Members of the Legislative Assembly as a fraternity. And, indeed, it is. And I take it seriously. I believe that when I first floated the idea some Members were skeptical and may even have bordered on being cynical. But I believe that some honourable Members are now catching on.

Those fraternities which have the greatest respect, Mr. Speaker, are fraternities which draft their own code of practice and their own code of behaviour, and that sanction themselves and set their own standards. And we have in the Cayman Islands numerous examples. We have the whole business of the Bar Association, the Law Society, the Society of Professional Accountants, and the Medical and Dental Association. Why not ensure that sitting Members of Parliament (and also by inference prospective members, because there is no shortage at this time in our development of prospective members) having some kind of standard that people can see, identify with, and decide whether they want to apply these standards to themselves.

Mr. Speaker, if for no other reason I would think that is a good way of weeding out the goats from the sheep, and separating the tares from the wheat. It would be good if we had some kind of booklet at the beginning of the election campaign that contained the requirements for Members to behave and abide by. Then certainly, honourable Members themselves, as well as the wider

public who will be the eventual judges and selectors of these people, will be able to have some yardstick.

Now, having said that, I want to make one clear and important distinction and differentiation: I am not inferring that Members do not have a right to their private behaviour. I am not taking about that. I am not [interested] if a Member wishes to go to a night-club or if a Member wishes to escort A or B. That is of no interest and of no consequence and has no bearings on the Member's ability to perform in the Legislative Assembly. It has no bearing for that matter on a Member's honesty. What I am speaking about is behaviour and conduct that directly impinges upon a Member's bearing and his responsibility and his conduct. That is, whether a Member is honest or whether a Member is truthful, that is a different matter.

I am not talking about whom the Member decides to keep as a friend, or whom the Member decides to spend his time with. I believe that such matters are largely irrelevant and should have no bearing on a Member's ability to be a good legislator or a good representative.

So, what the motion is talking about has strictly to do with things like honesty, integrity in business, ethics, and whether a person can be depended upon to uphold obligations and commitments given. Mr. Speaker, it is in this light that I believe that the motion and its accompanying amendment are timely. I am happy that the Government has seen fit to accept it, although there is still an amendment to be debated and elaborated upon. I am anxious to see what avenue that amendment is going to take.

I think that the Legislative Assembly in accepting this motion and its amendment is sending a clear and unequivocal message that honourable Members realise that they have obligations and that they are committed to being transparent in their actions and their activities and that they are prepared to be accountable.

I think also it is saying that we recognise that our conduct and our performance as representatives of the people and as legislators can best evolve and can best be developed by we ourselves bringing forward motions and bringing into play changes that we think should come from within. In other words, intrinsic rather than extrinsic, because if a movement comes from within there is a greater chance that the movement is sincere and that it will be respected. And it certainly will be accepted rather than if it is external and extrinsic forced from the outside as a result of some embarrassment, some breakdown, or some scandal.

For the most part, honourable Members of the Legislative Assembly in these instances have been amenable to these kinds of moves because we recognise that our role is important and that we are not above challenge and we are not above being held accountable. I think that it bodes well for us in the Legislative Assembly at this time to be sending the kind of message we are sending by accepting this motion. And, certainly, for it to be accepted by the Government with such graciousness means that even as we are entering into perhaps adversarial politics and election campaigning, Members still

have the good sense to realise that there are moves designed for the general good of the fraternity.

Mr. Speaker, it gives me great pleasure to have been associated with such a move. And it would be remiss of me if I didn't mention, before I conclude, that in these times, many people—detractors as well as sincere people want to ask, *'What have you contributed in the last four years? What have you done?'* Mr. Speaker, I suppose it is important to get streetlights, to get roads fixed, to get civic centres built, to get schools built, and to give people pensions and health insurance. That's very important. Often times the contributions we make are not so tangible and not so easily measured. What about the contribution of those people who set in place codes of ethics and behaviour for all to abide by so that they can be not only law-abiding and responsible but so that they can operate with integrity, honesty, ethics and with consideration?

Sometimes the greatest contribution (not taking anything away from those people who build buildings, fix and create roads, who give streetlights and civic centres) is having the sense to realise that it is also necessary to establish a code of behaviour and a code of practice so that the peace, good order, understanding and good relations can continue. Those people also make contributions. And sometimes it is difficult in the throes of battle and in the heat of the political campaign to take these kinds of accomplishments in the same light as one takes the building of a highway, or the building of a school, or some other such more visible edifice.

I contend that if Parliament had not evolved the way it has (that is, that the Serjeant-at-Arms is the only person authorised to bear a sidearm), we would have a much different place. I want to underscore the contribution that Members who support these kinds of motions and who bring these kinds of motions make. I want to caution against the interpretation of those persons who are successful at getting vast physical projects to the detriment of those persons who contribute in other ways by supporting motions such as this.

Mr. Speaker, I am optimistic. I can only look forward as one who has been on the record as promoting what are now the buzzwords of "transparency" and "accountability." And, as I should say and I never usually do this, but as one who was foremost in floating the idea that Members of the Legislative Assembly should view themselves as a fraternity (when I say "Members of the Legislative Assembly," I mean both the official and the elected Members) should view themselves as a fraternity and should be prepared to set these kinds of parameters and should also be prepared to respect one another as members of the fraternity. That does not mean that we cannot and we should not differ at times, but that we should be careful to contain such differences in the most respectful of terms as does the fraternity.

I am not suggesting that we should become some kind of secret society, but I believe that it behoves us, if we are to continue to act in a civilised way, to recognise that we ourselves should be the ones who set the standards in terms of a code of conduct and ethics and the

parameters to avoid conflicts of interest if we are to continue to operate successfully. Thank you, sir.

**The Speaker:** Honourable Members, it is almost time for the luncheon break. I would suggest that rather than calling another Member to speak that we take the luncheon break.

But prior to that, under Standing Order 72(8) to ask a leave of the House that a select committee can be held commencing at 2.30 PM this afternoon in the committee room. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The House will now suspend for lunch and we will reconvene at the completion of the select committee meeting.

**AGREED: SELECT COMMITTEE MEETING TO BE HELD AT 2.30 PM.**

**PROCEEDINGS SUSPENDED AT 12.50 PM**

**PROCEEDINGS RESUMED AT 3.55 PM**

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 13/2000, as amended. Does any other Member wish to speak? We did have another amendment tabled for this motion—

The floor is opened to debate, does any other honourable Member wish to speak? (Pause) I am in the hands of Members. I cannot wait much longer.

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I would just like to draw the Chair's attention that while no one is rising to speak, the Minister of Education has an amendment. If he allows the motion to be put then he cannot bring the amendment.

**The Speaker:** Does any other Member wish to speak? If not then I am going to have to call on the Honourable mover to exercise his right of reply.

Honourable Member for Education, Aviation and Planning, is it your intention to withdraw your amendment and we go ahead and wind-up this debate?

**Hon. Truman M. Bodden:** I would take that decision in accordance with the Standing Orders at a later stage if that is okay with you, sir.

**The Speaker:** Well, I have no choice, if no one wishes to speak, but to call upon the mover to exercise his right of reply.

**Hon. Truman M. Bodden:** That is good, sir, I appreciate that.

**The Speaker:** No other Member wishes to speak? Does the honourable mover wish to exercise his right of reply?  
The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, I will be happy to do that, sir. But just seeking guidance from the Chair, if I reply to the motion as amended and the vote is taken, at that point in time is it automatic that the other proposed amendment, which is not being dealt with now will fall away? Or does the mover of that amendment have the right, after the vote is taken to deal with that amendment? which is what I understand from what he has said.

**The Speaker:** My understanding of the rules is that once they vote on the motion as amended and it has passed, that goes into the records as being a motion passed. What action is taken after that will be a separate issue.

The First Elected Member for George Town do, you wish to wind-up?

**Mr. D. Kurt Tibbetts:** Yes, sir.

Mr. Speaker, I think perhaps it is quite easy this afternoon, based on what has transpired, not to have to go into a bunch of details to justify bringing the motion.

I would like to do two things: I would like to call on the Government, understanding from the Honourable Minister of Health, who responded on behalf of Government, to ensure that the legislation being called for is actually brought forward to this honourable Legislative Assembly as speedily as possible.

In my own way, I also wish to just give a word of caution with regard to this motion. This is a very serious issue. It is one that every Member of this Honourable Legislative Assembly should find very comfortable to not only support but to assist in whatever way possible to get this legislation created. It is only aimed at a more efficient functioning parliament. It is also aimed for the public whom we serve to feel more comfortable with the integrity of this Legislative Assembly and its functions and the integrity of the Government on a whole.

I am confident that all Members, those on the Backbench and those in the Executive branch of Government, wish to be part and parcel of a Government that retains its high integrity.

Now, Mr. Speaker, I had a lot of information prepared that I would be happy to give anyone access to. The seconder of the motion in his delivery alluded to documents received through the goodly office of the Clerk with regard to relevant information from other jurisdictions. I am certain that will be helpful in the preparation of the legislation that is needed.

I sense something here, Mr. Speaker, and I trust your judgment with the information you provided when the questions were just asked before I wound-up this motion. I am going to leave it alone—

**The Speaker:** May I inject this? My decision was made in accordance with Standing Order 25(4) and I will read it for Members' benefit. **“An amendment to a motion may be moved and seconded at any time after the ques-**

**tion upon the motion has been proposed by the Presiding Officer and before it has been put by him at the conclusion of the debate thereon.”** So, there is no further amendment.

It further goes on to say, **“When every such amendment has been disposed of, the Presiding Officer shall either again propose the question upon the motion or shall propose the question upon the motion as amended, as the case may require, and, after any further debate which may arise thereon, shall put the question to the House.”** So, my decision stands. Please continue.

**Mr. D. Kurt Tibbetts:** Yes, Mr. Speaker, thank you very much.

As I said, bearing in mind the obvious support for this motion I will not go into the long details. I think that will probably be served best with regard to passing on of the information for the process of drafting the legislation, and I would sincerely hope that such legislation will come forward very quickly and perhaps if at all possible for this to happen before prorogation.

I would gladly table the documents that I have —

**The Speaker:** If you so desire, please do. So ordered.

**Mr. D. Kurt Tibbetts:** There are probably a few more which I might have access to, which I don't have at this point in time, but I will be happy to pass those on also.

So, without going into the details of this motion any further, I wish to thank Members for their support and notwithstanding the many hours of research that have gone into it, I am certain that once the legislation is realised that this Legislative Assembly, and, in fact, this country, will be better equipped to deal with the way forward as a nation. Thank you.

**The Speaker:** I shall now put the question on Private Member's Motion No. 13/2000 as amended. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The motion is passed.

**AGREED: PRIVATE MEMBER'S MOTION NO. 13/2000, AS AMENDED, PASSED.**

**The Speaker:** Moving on to Private Member's Motion No. 10/2000, Establishment of a “Safe House” for Battered Women and Children.

**DEFERRAL OF  
PRIVATE MEMBER'S MOTION NO. 10/2000**

**The Speaker:** I note that the Second Elected Member for Bodden Town is not present. With the leave of the House I would like to move on to the next motion. Those in favour of deferring this motion for a later sitting please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. Private Member's Motion No. 10/2000 has been deferred until a later sitting.

**AGREED: PRIVATE MEMBER'S MOTION NO. 10/2000 DEFERRED TO A LATER SITTING**

**The Speaker:** Moving on to Private Member's Motion No. 11/2000, In-depth Discussion on Increased Interest and Electrical Rates. This motion is moved by the First Elected Member for West Bay.

The First Elected Member for West Bay.

**PRIVATE MEMBER'S MOTION NO. 11/2000**

**Mr. W. McKeeva Bush:** Mr. Speaker, I am not prepared to take that motion today but I am prepared to take the one that was the first motion circulated in this honourable House, Motion No. 7/2000, which should not be any quibble with the Government because they have already spoken on it and given their position on it. So, I can deal with Private Member's Motion No. 7/2000.

**The Speaker:** I must deal with the order as set down by the Business Committee. If it is the wish of the House that we do otherwise we can yield to it, but if you wish to defer that motion, you can move a motion and we shall put it to the House. Do you wish to have that deferred to a later sitting?

**Mr. W. McKeeva Bush:** Mr. Speaker, do I need to move a motion?

**The Speaker:** Well, I have to get the leave of the House. The mover of Private Member's Motion No. 11/2000 is not ready to present it at this time. With the leave of the House, I put the question that we defer this to a later sitting.

The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Before this is dealt with maybe we could have a few minutes to consult.

**The Speaker:** Certainly, if you wish we will adjourn but I will ask that you make it very brief.

We shall suspend proceedings.

**PROCEEDINGS SUSPENDED AT 4.11 PM**

**PROCEEDINGS RESUMED AT 4.30 PM**

**The Speaker:** Proceedings are resumed.

**HOUR OF INTERRUPTION—4.30 PM**

**The Speaker:** We have reached the hour of interruption, I would entertain a motion for the adjournment of this

honourable House, but before doing so, in an informal discussion we had last week we discussed the possibility of sitting later in the afternoons. I would like an indication as to what time, if we would want to do it on Wednesday.

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I think it was mooted that we would try to operate at least until 6.00 p.m. so that we could dispatch of the business at hand within a reasonable time, sir. But if today is an indication of that, I am much afraid we will have to extend it until 10.00 p.m.

**The Speaker:** I will now entertain a motion for the adjournment.

**Mr. W. McKeeva Bush:** Mr. Speaker, before you adjourn, can anyone say what happened? I mean we adjourned for something, and I was on the floor. At least we should have some explanation as to what their intentions are—what am I supposed to do?

**The Speaker:** I must follow rules. Our Standing Order says that no business can be proceeded on after the hour of 4.30 p.m. unless provisions are made for it. We have reached the hour of interruption.

**Mr. W. McKeeva Bush:** Mr. Speaker, I am really not trying to quarrel with you in any sense, but we suspended to hear what would happen.

*[Inaudible comment]*

**Mr. W. McKeeva Bush:** Yes, all can be said and I think the Standing Order do say for a short time afterwards that is, the adjournment—a short time after 4.30 p.m.

**The Speaker:** I really don't want to start reading Standing Orders all the time. But Standing Orders are very clear that no proceedings should commence beyond the hour of 4.30. If the mover wishes to indicate why, what their decision was, the proceedings will then again resume on 10.00 a.m. Wednesday, I presume.

The Honourable Minister for Education, Aviation and Planning.

**ADJOURNMENT**

**Hon. Truman M. Bodden:** Mr. Speaker, I think in the interest of time it is better that I just move the adjournment of this honourable House until Wednesday at 10.00 a.m.

**The Speaker:** The question is that this honourable House do now adjourn until 10.00 a.m. Wednesday the 14<sup>th</sup>. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.



**Mr. D. Kurt Tibbetts:** Mr. Speaker, can we have division please, sir.

**The Speaker:** Madam Clerk, will you call a division?

**The Clerk:**

**DIVISION NO. 4/2000**

**AYES: 8**

Hon. Donovan Ebanks  
Hon. Samuel Bulgin  
Hon. George A. McCarthy  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. John McLean  
Hon. Anthony Eden  
Hon. J. O'Connor-Connolly

**NOES: 5**

Mr. Kurt Tibbetts  
Dr. Frank McField  
Mr. Roy Bodden  
Mrs. Edna Moyle  
\*Mr. McKeeva W. Bush

**ABSENTEES: 4**

Mr. John Jefferson, Jr.  
Mr. D. Dalmain Ebanks  
Mr. Linford Pierson  
Miss Heather Bodden

*\*Mr. W. McKeeva Bush: I would like to hear what the intentions are with the motion. It will only take a few seconds and we could have finished by now.*

**The Speaker:** The results of the division: eight Ayes, five Noes. The House stands adjourned until 10.00 a.m. on Wednesday.

**AT 4.36 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 14 JUNE 2000.**



**EDITED  
WEDNESDAY  
14 JUNE 2000  
10.25 AM**

*[Prayers read by the Elected Member for North Side]*

**The Speaker:** Please be seated. The Legislative Assembly is in session. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have received apologies from the Honourable Minister for Tourism, Commerce, Transport and Works who will be arriving later this morning. The Honourable Third Official Member responsible for Finance and Economic Development will also be arriving late. The Second Elected Member for Bodden Town is off the island on business, and the Fourth Elected Member for West Bay is sick and off the island for treatment.

**STUDENTS FROM GRACE CHRISTIAN ACADEMY**

**The Speaker:** At this time I would like to welcome the students from the Grace Christian Academy in the gallery this morning. They are from grades 4, 5, 6, and 7.

Moving on to item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question 6 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 6**

**No. 6: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for the Ministry of Agriculture, Communications, Environment and Natural Resources to give an update on the multidisciplinary study which is now being conducted by CH2M Hill.

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** Work on the study for the Provision of Construction Aggregate and Fill Material is proceeding on schedule and within budget with completion due in the first quarter of the next year. Of the 27 individual tasks detailed in the project description, nine have been completed and seven are nearing completion.

Meetings have been held with a wide range of stakeholders through workshops, briefings, and individual interviews. Those included have been quarry and dredge operators, developers, government agencies and NGO's, the Central Planning Authority, DAB and DCB, Executive Council, Members of the Legislative Assembly and the Governor. The consultation process was conducted on all three Islands.

A workshop has been conducted with government agencies involved in the review of applications for quarry and dredge proposals with the objective of refining the process to improve service to the applicant and to provide decision makers with better tools to evaluate the proposals.

The draft report for improvements to the application review process was received from the consultants on 2 June. Following the initial appraisal and comments from the project's steering committee and the senior management review team, the report will be made available to stakeholders.

The commitment was given during the initial stage of the study to make the process and results freely available to stakeholders and the public. To this end, we will be implementing a public information programme. The plan includes a web site with information about the study and the facility for public comment, a Government Information Service Journal video, additional stakeholder briefings by the consultant, and numerous news articles and feature stories.

**SUPPLEMENTARIES**

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable minister tell the House whether there are any ongoing dredging situations while this study is being conducted?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** There are no new dredging applications that I can think of that are in progress.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Are there any old applications continuing now?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** I knew of a couple of applications that were granted to remove small amounts from old projects that could be ongoing. But I will not commit myself to say that I know that as of right now they are ongoing.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister tell the House if there are any approved applications that have not yet started?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** The only applications that I can think of were smaller projects that had been tying the major project with the sea . . . in other words, removing a small plug for the development.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** The Minister said that of the 27 individual tasks detailed in the project description, nine have been completed and seven are nearing completion. Can the Honourable Minister state if the completed tasks are made available prior to the completion of the study? If not, what information would be on the website?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** There are some that are completed. I could make it available. I don't think it has been given out openly. We are trying to keep everything together until most of it is completed before giving it out.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the Honourable Minister state what is the plan to keep Members of the Legislative Assembly informed during the process? Or is it that it is only on completion that we will have dialogue with these people again?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** It is my intention to keep the Legislative Assembly abreast of what is happening. As a

matter of fact, it was my intention to do as the question asked. But since the question came, I did not have to do that. If it is necessary for us to get the full Legislative Assembly together for a briefing with these individuals, I will be most happy to arrange that.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Do the terms of reference for the study appear on the website so that the public would know exactly what the study contains and entails?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** What is meant here, as I understand it, is that once we have most of this study carried out it will be put on the website. I don't think that it is on the website at this present time. But any information that I can impart to the Legislative Assembly, I will be happy to.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** If we are saying that the website has not yet been established, I accept that. But the answer said the plan includes a website with information about the study and the facility for public comment.

When it gets to that point, will the Minister ensure that such things as the terms of reference are included on the website so that the public may be able to comment from an informed position?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** I will give the undertaking that that will definitely be done.

**The Speaker:** The Third Elected Member for Bodden Town, two additional supplementaries.

**Mr. Roy Bodden:** The Minister said that meetings have been held with a wide range of stakeholders, for example, quarry and dredge operators and developers. Can the Honourable Minister say whether it is the intention of the organisation conducting the study to have further meetings with these stakeholders, particularly if there are any findings that would allow the conductors of the study to inform the stakeholders as to how they may more efficiently carry out their operations?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** Yes, as is laid out in the last paragraph, additional stakeholder briefings with the consultants will be done, and I am sure this will be beneficial to both sides. It definitely will be done if needed.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** At the conclusion of the report when it is circulated, can the Honourable Minister tell the House what perceived course of action will be undertaken by the government?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** Once the report is sent into the ministry, it will be my duty to take it to Executive Council, and I can say no more on that at this point in time because I really don't know what decision will be taken. I know what my opinion will be, but I can't give that.

**The Speaker:** Are there any further supplementaries? If not, we move on to question 7, standing in the name of the First Elected Member for West Bay.

#### QUESTION 7

**No. 7: Mr. W. McKeeva Bush** asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning to state: (a) whether Government has recently purchased property in George Town for the relocation of the Sunrise Centre; (b) from whom was the property purchased and at what cost; and (c) if the principal and staff, as well as the Public Works Department, were involved to ensure that the property was suitable.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Government has not purchased any site for the relocation of the Sunrise Centre at this time. Government negotiated for the purchase of some property in the George Town area, but negotiations have now ceased.

The principal of Sunrise Centre, as well as staff from the Education Department, Ministry, Lands and Survey and Public Works, was involved in the initial site visit. All teachers from the Sunrise Centre have toured the facility at this time.

#### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the Honourable Minister say which property that was?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The facility was the old Cayman Kindergarten Building.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the Honourable Minister say who owns the property, and whether it is a two storey building?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** A two storey building, sir.

**Mr. W. McKeeva Bush:** The first part of the question is still not answered. Who owns the building? And, Mr. Speaker, did the minister have any discussion with the staff in this matter?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** It is owned by Alice Sinclair [?]

**Mr. W. McKeeva Bush:** The last part of the question is still not answered, Mr. Speaker. Can the honourable minister say whether he had any discussion with the staff or members of the House on that matter?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The group that reviewed the Cayman Kindergarten included Mrs. Hyacinth Connolly, a senior assistant PS; Mr. Doss Solomon, an assistant PS; Mr. Alan Jones, and Mrs. Becky Francis from Lands and Survey; Mr. Peter Riley from PWD; Mrs. Margaret Garcia and Mr. Ralph Beckles from the Education Department; Mrs. Roberta Gordon from the Sunrise Centre.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, if I listened to the answer to the supplementary question, it seems that only the principal was involved in that selection. Can the Honourable Minister answer the last part of my question? Did he have any discussion with the Members of this House regarding the purchase? And did he have any discussion with the staff? Is he not aware that the staff is not akin to purchasing this property? They are not satisfied.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The staff looked at the property and did put in a letter to the department where they felt that this location was not suitable. I am not too certain what the Member is referring to about Members of the House—

**Mr. W. McKeeva Bush:** What I will do is explain: I had a complaint in regard to the purchase. I alerted the Minister that there was going to be a conflict. The staff wanted the Sunrise Centre to be in West Bay. For many years we looked around and we found a property. The principal was not satisfied with that property. I alerted the Minister that we understood there were negotiations going on for the purchase of the site—one by someone who was renting somebody's house and was going to buy the house after Government bought the property. That's what I am referring to.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The Honourable Member did speak to me on this. I wasn't sure exactly what he was referring to, but that is correct.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Can the Honourable Minister say what the proposed purchase price was?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** As I understand it, negotiations are going on. As the Member knows, I don't come into land purchases in Government, there is a procedure. But from the Lands and Survey it seems the price was C\$399,000 at last negotiation.

**The Speaker:** Two additional supplementaries. The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Is the Minister aware that there is a property available for this purpose in West Bay . . . and I know that the former Minister for community development (now the First Elected Member for West Bay) had negotiated with this party about purchasing that property. As I understand it, that property was being offered for \$250,000 and the owner was prepared to give Government terms for the purchase of that property. It was not only a dwelling house, but large additional pieces of property. The staff in West Bay felt it was adequate and ideal for the relocation of the Sunrise Centre.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I don't have the details of that property. But there is a group that will be looking at this. I

know they will be reviewing other property and I will refer that to them.

**The Speaker:** Final supplementary. The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** In light of the fact that the majority of students of the Sunrise Centre are from the district of West Bay, can the Honourable Minister say if he would consider finding a property in West Bay?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The suitability of any specific site would really be a decision that the group of people involved in the department, and of those I read out earlier. I am sure they will bear in mind not only where the students are from, but also where they work. I will ask the Chief Education Officer if he will ensure that they do look at the site and the suitability of that, along with whatever sites they may wish to look at.

**Mr. W. McKeeva Bush:** Mr. Speaker, I know you said no more supplementaries, and I am not going to ask one, I am just rising—

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Thank you. I am just rising to ask the Minister if he would ensure that the staff of the Sunrise Centre be consulted and that the matter be discussed with them as well as with the principal?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Sure, by all means. I will ask the Chief Education Officer to ensure that.

**The Speaker:** Moving on to question 8, standing in the name of the Third Elected Member for Bodden Town.

## QUESTION 8

**No. 8: Mr. Roy Bodden** asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning what strategies are currently employed to eliminate gang behaviour and other disruptive practices at the two Government High Schools on Grand Cayman.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Counsellors, teachers of life skills, and other staff are working with students on an ongoing basis to handle anger and peer pressure; for example, at the George Hicks High School, a Peacemakers Club is a part of a skills project.

There is now a strong insistence by all staff that students must not bring in to school, or wear items that may indicate they are members of a gang—for example, red bandannas.

There is increased vigilance by staff regarding gang signs and symbols. Such instances are reported by staff, and students are counselled in these instances.

Continued involvement and assistance from the Police Community Relations Department and Juvenile Bureau have assisted both schools in use of preventative strategies.

Parental involvement through workshops has increased. For instance, in May, the George Hicks High School Counsellors combined with Educational Psychologists from the Education Department conducted workshops for parents to strengthen parenting skills. The Department of Social Services has also assisted in the area of counselling students and parents and the Ministry of sports has spearheaded many useful alternative activities to encourage the active participation of all youth. CASA's Youth-to-Youth and other church youth programmes are other examples of good programmes with the emphasis of increasing self-esteem in youth.

It is important to note that from the period beginning January 2000, there has been less gang-related activity inside the two high schools. Since the year beginning January 1999, a considerable amount of work was done to solve problems of gang related activities through counselling and involving the police in meetings with students who were believed to be at risk of this type of anti-social behaviour. While it is alleged that there are still students who associate themselves with particular gangs, the schools have taken a firm position that this behaviour will not be brought into schools.

### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say if there are any early intervention programmes in operation which would allow the feeder schools to identify and inform the high schools of youth with particular leaning towards gang or antisocial behaviour?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** While we do not have any specific programme in relation to gangs in the primary schools, we do have the life skills programme that would detect this type of behaviour and they do exist in the primary schools.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would like to ask the minister if he means to say now that there were gangs in the schools?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** There are gangs in the community, and the answer is, yes, some of those members go to our schools. But what I have set out . . . I would hope that the honourable member would see this is a very comprehensive policy to deal with this type of behaviour. I would also like to point out sir—and here we are spending a lot of time on this, but . . . for every one child involved with gangs, there are another 200 or 300 good children who are not involved.

This is a small and sporadic type of behaviour. We have many, many, many good children in the schools.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I would like to apologise to the honourable minister for asking a sensible question this morning. I would like to follow up by asking him, since he made a statement in paragraph 6 that there is some low self-esteem among the youth, if he could say if the cause of this has been identified.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** There could obviously be varying and diverse causes for low esteem among children. This is a matter that each case would be dealt with on an individual basis. The reasons for each individual student's problem would have to be looked at by the specialist in these areas, and then establish the cause of it, sir.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** When the minister says there have been some sporadic cases, can he say how many, how often, and how serious?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I don't have those details. But I can undertake to get them from the two schools and to the honourable member.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Just to say that I would accept the minister getting those figures so we can know exactly what the position is.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister tell the House whether there has been any attempt on the part

of the Department or his Ministry to investigate the background causes of gang behaviour to ascertain whether there are any environmental or social causes which could be identified and thus eliminated in an attempt to completely eliminate this kind of behaviour before it takes greater hold?

**The Speaker:** Before calling on the Honourable Minister for an answer, I would appreciate a motion for the suspension of Standing Order 23(7) & (8) in order for Question Time to go beyond 11 o'clock.

#### **SUSPENSION OF STANDING ORDER 23 (7) AND (8)**

**Hon. Truman M. Bodden:** I move the suspension of Standing Order 23(7) & (8) to allow Question Time to continue.

**The Speaker:** The question is that Standing Order 23(7) & (8) be suspended to allow Question Time to continue beyond the hour of 11 o'clock. Those in favour please say Aye, those against No.

**AYES.**

**The Speaker:** The Ayes have it. Question Time will continue.

#### **AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11 AM.**

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** We would provide the necessary professional help for the children who are believed to be at risk in this area. That would include case studies that would look at the background of the children, would try to identify causes, and would try to actually deal with providing solutions to these problems.

I should point out that normally not just one person would take that decision. A group would do the study and look at each individual case.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** In his answer, the Minister stated "**The Department of Social Services has also assisted in the area of counselling students and parents and the Ministry of sports has spearheaded many useful alternative activities to encourage the active participation of all youth.**" Can the Honourable Minister state what alternative activities have been set up by the Ministry of Sports? And are these activities set up throughout the islands?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I understand that these are within the districts. The CODAC committees, churches, and community development officers within the districts assist with these different programmes, including sports within the areas.

I should say that this is really not my direct responsibility, so I would rather not try to give much more detail on it because it could be made subsequently a substantive question. But that's what I understand.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** I agree with the Honourable Minister totally, that this is not his section. But it came in a reply in a question addressed to him. I am aware that CODAC's community development officers and the churches have been involved in the districts for many years. I was just wondering if there were new ones, and if we could get some idea of what the new activities are that will help the youth in the outer districts particularly.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I will request those and get them to the member, but I really don't have the answer here, sir.

**The Speaker:** Two additional supplementaries. The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** In the substantive answer, the minister states, "**The Department of Social Services has also assisted in the area of counselling students and parents . . .**" Usually, in cases like this dealing with matters which one could consider to be extreme because of the subject we are talking about, there is a follow-up programme and information is gathered about the results of the counselling sessions and the subsequent activities of the individuals counselled. Has this been done? If it has, is it documented?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I understand that notes of the counselling meetings, or minutes, are not kept as such, but confidential notes are kept by the counsellors which they keep confidential to themselves. They use them for reference.

The follow-up does go on because once the child is studied the counselling moves towards continuous solution to the problem. The counsellor and anyone else he needs . . . and let me just mention that these gangs, as such, that we referred to operate within the community. That is why the social service officers, while we also get them into the schools, they too have a role to try and cope with this within the society outside the school as well.



Those programmes are in place. But, yes, we do follow up and it is very important not just in this type of problem, but with all the problems that we follow up.

**The Speaker:** The First Elected Member for George Town, this is the last supplementary.

**Mr. D. Kurt Tibbetts:** I understand what the Minister just said. In another supplementary it was asked whether any background study was done to determine the cause of such activities within the confines of whomever it happens with. My question was tied in with that.

If the path is not followed and documented it is going to be impossible to draw on that to deal with the situation in the future. It has to be all of that information that paints the picture giving you some idea as to what is happening and why.

From what I can glean, it doesn't seem that the effort is pointed enough in that direction. I am asking the Minister to take on board my thoughts, which are from a layman's perspective but which I believe make some sense. I also understand that it involves the school psychologist and all of those areas. I am sure they have their own method of record keeping. But if the energies are to be channelled in one direction we need to get all the various points that are doing certain things channelled in that manner. I suspect that at present it is not being done.

Not to say there is any specific reason why it is not so, but I am asking the Minister to take on board and convey this to make sure that it is done in a more concerted manner.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I follow what the Honourable Member is saying. I have the Chief Education Officer here with me and I will ask him to take that on board and raise it with the people who deal with these matters.

**The Speaker:** Moving on to question 9, standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 9

**No. 9: Mr. Roy Bodden** asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning to provide the projected enrolment for the Government Primary Schools on Grand Cayman for the upcoming school year.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The projected enrolment for the Government Primary Schools on Grand Cayman for the 200-2001 school year are as follows:

| School                | Projected Enrolment     | Projected Enrolment | Total |
|-----------------------|-------------------------|---------------------|-------|
|                       | Year 1                  | Years 2- 6          |       |
| East End Primary      | 20<br>(20 in reception) | 97                  | 137   |
| North Side Primary    | 8<br>(12 in reception)  | 45                  | 65    |
| Bodden Town Primary   | 25                      | 119                 | 144   |
| Savannah Primary      | 50                      | 268                 | 318   |
| George Town Primary   | 70                      | 380                 | 450   |
| Red Bay Primary       | 60                      | 375                 | 435   |
| John A Cumber Primary | 90                      | 400                 | 490   |

This gives a net increase of 63.

It should be noted that the registration process, which began on 1 May, will continue throughout the summer. The numbers are a combination of actual registration and projected based upon the projected numbers of four year-olds. Experience over the past few years has shown that actual enrolment has run a little lower than projected enrolment.

#### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say how the process is going in terms of new enrolments, that is children registering to attend school for the first time? And is he in a position to inform the House what kind of response has been received by the department since registration 1 May?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The registration as of 6 June 2000 is as follows: North Side Primary 10, East End Primary 6, Bodden Town Primary 7, Red Bay Primary 70, John A. Cumber Primary 28, GT 39, Savannah Primary 51, Creek Primary 6, Spot Bay Primary 6, West End Primary and Cayman Brac High none.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** I see that West Bay is close to 500 and could be over that by the time school begins in September. Government accepted our request to start the process of getting another school in West Bay by purchasing property. This has been done. Can the honourable minister say what the way forward is, and when can we expect to see this building project started?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** We have purchased the property. As I understand it, the plans are in an advanced stage. We are looking to try to begin early this

coming year. I can see the member's concern. The school is very large and the splitting of this is now a high priority.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** When the minister says in the coming year, does he mean the year 2001?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The aim is for the full school to open for the September 2000 . . . in two years. It will open in 2001. Next year.

**The Speaker:** The Elected Member for North Side.

**Hon. Truman M. Bodden:** From his answer I can see that the little school in North Side has the least number of projected enrolments. I wonder if the Education Department has carried out any survey to see why the North Side School is not growing and if there are any plans in place to try to boost registration at North Side Primary.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The reception classes help, the after school programmes help. However, what we have tried to do is keep people within the catchment area. However, it is a good school. Small numbers have their advantage as well. By all means, we can look at further things to attract. But at present, we haven't gone outside the North Side catchment area.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** I was not really referring to going outside the catchment area. I am concerned that people in my district are bringing their children to another catchment area. I think we need to find out the reason why and do whatever necessary to put the North Side Primary School where all parents are prepared to send their children to the North Side Primary School because it's within their district.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** We are aware that parents take their children outside the catchment area for convenience. Sometimes the story that is given to the principals provides that justification. I have heard where the child stays with a grandparent . . . and things are stretched a bit, but we try to keep strictly to the catchment area. I appreciate the member's concern. I have the Chief Education Officer here and we will pass this on. I know she has raised this in the past as well.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** With the projected figures for the Bodden Town, Savannah, George Town, Red Bay and John A Cumber Primary Schools, can the honourable minister give us the number of classrooms available at each school so that, based on these projections, we can see how many students are going to be in each class?

Can he also address whether the Bodden Town Primary, one of the older schools with small classrooms, is going to be able to comfortably accommodate those 25 children projected?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** We would like to see a maximum of 25 to 27 in each class, with the exception of Red Bay which has much larger rooms, as the member knows.

I have met with the PTA in Bodden Town. We hoped to have one room added on. We were told it was impossible for PWD to build one classroom, even though we had \$250,000 in time for September. We were told a month or two ago. It is hoped that for the coming year, four extra classrooms will go on. But in Bodden Town Primary, we are not taking on extra students beyond this Year 1 (25). They should not be taking children in Years 2 to 6, so that would remain as it is.

I have been told that we have four extra classrooms that came on line at Savannah Primary. As I understand it, we presently have sufficient classes to take these children. But, as the member knows, I pressed, and pressed, and pressed very hard, because I would like to have seen . . . and I tried to get ten classrooms in the new Spotts Primary School which would have given us a lot of flexibility and eased the high numbers in these other schools. But members of this House know what happened there, and I was not able to get the planning approval. In fact, that is still in the appeal stage.

We have a committee that presses on with trying to get that school in place. Ultimately that, plus the West Bay Primary School, will be what we need to assist and to put us in good shape so that we can plan for some years to come. All I can do is undertake (notwithstanding not getting the ten classrooms at Spotts) to do everything in our power to ensure that the children are properly accommodated and classes kept to a reasonable size.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** While the minister has gone into some detail, he has not answered what I was looking for. I wanted him to tell me how many classrooms were available for each of the schools I asked him about. I didn't want him to say there were sufficient classes. I wanted to find out exactly how many classes are avail-

able for each school. That will let us know directly how many students will have to be in a class.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The numbers are as follows: Bodden Town, with a projected of 25 has one classroom; Savannah, with a projected of 50, they would go into two classrooms, but there are four available there. They have four new classrooms. George Town Primary, depending on what they need, has four, but with this amount would probably only take three. Red Bay has two, and John A. Cumber has four.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Is the minister saying that since these numbers of classrooms are available for Year 1 it means that all of the other streams, Years 4 through 6, are without problems whatsoever? If so, can the minister give us an idea if these projections are higher than last year's? How do they compare?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The Chief Education Officer told me that we do have sufficient accommodation for the other classes. The net increase is 63 in Year 1. I understand that the projected enrolment for Year 1 has been set high so it is not expected that we would have that high a percentage. In fact, West Bay has the highest number of extra ones. So, we have a total of 63 in Year 1 throughout the system.

If the honourable member wishes any further statistics, I can make them available.

**The Speaker:** Are there any further supplementaries? If not, we move on to question 10, standing in the name of the First Elected Member for George Town.

#### QUESTION 10

**No. 10: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning to list the number of new students enrolled for the September term at the Government High and Middle schools and to state the year of entry.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The number of new students enrolled for the Government High School and Middle School to date, by year of entry, is as follows:

|         | George Hicks High School | John Gray High School | Cayman Brac High School |
|---------|--------------------------|-----------------------|-------------------------|
| Year 7  | 276                      |                       | 18                      |
| Year 8  | 2                        |                       |                         |
| Year 9  | 2                        |                       |                         |
| Year 10 |                          | 281                   | 28                      |
| Year 11 |                          | 1                     |                         |
| Year 12 |                          |                       |                         |
| Total   | 280                      | 282                   | 46                      |

#### SUPPLEMENTARIES

**The Speaker:** First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable minister say if these figures were arrived at using the same methodology as in the previous answer? I noted it's worded differently. And can he also say how these compare with the numbers enrolled last year?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The numbers for Year 7 at George Hicks High School represent the 263 that are rising from the government schools to Year 7. We project 32 from private schools.

The 281 for John Gray represent the actual number of Year 9 students rising from the George Hicks High School and it is possible that 20 additional students could transfer from private schools.

The 18 at Cayman Brac High represent the students coming up from Year 6.

The member asked for the increases: George Hicks is 15; and the John Gray increase is 50; and the Cayman Brac High School decrease is projected to be 2.

**The Speaker:** First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** If I understood, for George Hicks the figure of 276 is what has enrolled thus far. But according to the figures the minister just gave, it is very possible to have 294. For John Gray the 281 is what is expected to come over from the George Hicks, plus 20, that means it can well be 301. Is that correct?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The numbers here are the numbers coming from the government and the private schools. So the private doesn't have to be added on.

**Mr. D. Kurt Tibbetts:** You said 263 and 31, George Hicks. That's what you said.

**Hon. Truman M. Bodden:** Let me just see, I am reading from the figures I was given . . . 263 and 32.

**Mr. D. Kurt Tibbetts:** And 32, right.

**Hon. Truman M. Bodden:** That's 295.

**Mr. D. Kurt Tibbetts:** So, 276 is what's done? That's what I don't understand now.

**Hon. Truman M. Bodden:** I will have to find out who in the Education Department needs to get a new calculator. I take the member's point. I will have to find out what that error is. But there is obviously an error in the figures I gave, for which I apologise. But I have been told by the Chief Education Officer that the projected amount is a total amount, notwithstanding the difference of 12 students in George Hicks.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I respect the fact that we may not be able to entertain a lot of questions now because of the unsure situation with the numbers, but I am assuming that . . . well, first of all I asked how they compare with last year's figures. I am assuming when he said 15 for George Hicks and 50 for John Gray . . . I am not sure if he was talking about last year's figures then.

Okay, if that's what he was saying (which, according to the calculations, the figures could be more than 15 and 50, but we are not sure of that so I won't assume that), I would like to know, given the prevailing circumstances at both schools at present, and without going into all of the details year by year for the past two or three years about the size and space available for students, has there been any discussion with the people who operate the schools? And is the minister satisfied that with these figures coming in they will be able to cope?

If you look at John Gray, and you are talking about 50 new students, you may say compared to 850 students (bringing it to 900) is a small percentage, but from my recollection, they too are bursting at the seams. I would like to know exactly what the position is.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The Chief Education Officer assures me that these numbers have been discussed and they can accommodate them. Last year the graduating class was quite heavy. Therefore, there was a reduction. So the increase this year (and I am just passing this on, okay?) is because of a smaller graduating class. I don't have those numbers. I am just giving the reason.

**Mr. D. Kurt Tibbetts:** You shouldn't say it like that because you are going to make me ask questions that you're not going to want to answer now.

**Hon. Truman M. Bodden:** If I can answer it, I will! If I can't . . . well, I will get the figures for you.

**Mr. D. Kurt Tibbetts:** All right. I will leave you alone this morning. There's another time for that.

**The Speaker:** Are there any further supplementaries? If not, we move on to question 11, standing in the name of the Elected Member for North Side.

## QUESTION 11

**No. 11: Mrs. Edna M. Moyle** asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning if the government is looking at providing a pre-school in the district of North Side, seeing that it is the only district without such a facility.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The government has no plans to establish a pre-school in the district of North Side. Except for the pre-school in East End, which was run by the Parent Teachers' Association in a Government facility, and on Cayman Brac where Social Services runs their programme and District Administration administers it, all other pre-schools are operated by private operations in accordance with the regulations established by the Education Council.

## SUPPLEMENTARIES

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Wow!

Can the honourable minister say, if government undertook to provide a pre-school in the district of North Side, that this would not be a good way to feed the North Side Primary School rather than parents taking their kids into George Town, Savannah, Bodden Town to pre-schools and then into schools in those districts?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The member is right. This would obviously help with enrolment. I think maybe what needs to be looked at first is to see whether we could get a private operator of a pre-school, and government could try to encourage that or do what we can to assist. If not, by all means, I will ask the department to look at the feasibility of government running the school. In the other districts we have kept out of it, and it's been done privately. I will undertake to follow those two processes.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** I am certain that the reason a private pre-school has not been started in North Side is the sheer fact that the numbers are not there. But I wonder if the minister will undertake to discuss this with Social Services and give us a programme similar to that run by the District Administrator in Cayman Brac?

When parents have to get up at 5.00 in the morning to take their children to George Town to pre-school so

that they can go to work, those kids do not get back to North Side until 8.00 or 9.00 at night. Whatever can be done to help parents would be most appreciated.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** By all means. I understand the inconvenience. We will look at this. It may well be that government along with social services may have to go ahead and set this up. I undertake to get back to the member in the future on this.

**The Speaker:** Are there any further supplementaries? If not, that concludes Question Time for today. We shall suspend proceedings for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 11.45 AM

#### PROCEEDINGS RESUMED AT 12.11 PM

**The Speaker:** Please be seated.

Item 4 on toady's Order Paper, Other Business, Private Members' Motions.

### OTHER BUSINESS

#### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 10/00

##### ESTABLISHMENT OF A "SAFE HOUSE" FOR BATTERED WOMEN AND CHILDREN

*(Deferred)*

**The Speaker:** When the House adjourned on Monday (12 June 2000), the government was going to make a decision. When we came back, we had reached the hour of interruption. At this time I will call upon the Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, we are now a couple of days later. I think the member may wish to say something in relation to his motion. Our view is that we will just go ahead and take these in the order they are in.

But in regard to Private Member's Motion 10/00, in the absence of the mover, I would like to ask that that one be moved on the Order Paper, with the consent of the House, and placed perhaps after number 5, or 6, or somewhere in that area. I believe the mover will be back tomorrow.

I would move under standing Order 24(11) that Private Member's Motion No. 10/00 be put down at a later stage.

#### SUSPENSION OF STANDING ORDER 24(11)

**The Speaker:** I shall put the question, that we suspend Standing Order 24(11). Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

#### AGREED. PRIVATE MEMBER'S MOTION NO. 10/00 DEFERRED.

**The Speaker:** Moving on to Private Member's Motion No. 11/00, in-depth Discussion on Increased Interest and Electrical Rates, to be moved by the First Elected Member for West Bay.

#### PRIVATE MEMBER'S MOTION NO. 11/00

##### IN-DEPTH DISCUSSION ON INCREASED INTEREST AND ELECTRICAL RATES

**Mr. W. McKeeva Bush:** Mr. Speaker, as I indicated on Monday (12 June), I am not ready to deal with this motion until later in this meeting. This is very important. I have to get quite a bit of information. I am prepared to deal with Private Member's Motion No. 7/00, as that was the first motion I tabled in the Office of the Clerk in March. I would move that I deal with that at this time. I am ready to deal with it.

**The Speaker:** I am in the hands of the House, but I am obligated to follow what's on the Order Paper.

**Mr. W. McKeeva Bush:** Well, Mr. Speaker, I would like to move that resolution, that I deal with item (7) on the Order Paper instead of item (2).

**The Speaker:** Do you have a seconder?

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I respectfully beg to second that, sir.

**The Speaker:** I shall put the question that in lieu of Private Member's Motion No. 11/00 standing on the Order Paper, that we move on to Private Member's Motion No. 7/00, which is also moved by the First Elected Member for West Bay. Those in favour please say Aye. Those against No.

**AYES and NOES.**

**The Speaker:** I think the Noes have it. It's very close.

**Mrs. Edna M. Moyle:** Can we have a division please?

**The Speaker:** Certainly.

Madam Clerk, will you call a division?

**The Deputy Clerk:**

**Division No. 5/00****Ayes: 6**

Mr. W. McKeeva Bush  
 Mr. John D. Jefferson, Jr.  
 Mr. D. Kurt Tibbetts  
 Dr. Frank McField  
 Mr. Roy Bodden  
 Mrs. Edna M. Moyle

**Noes: 6**

Hon. Samuel Bulgin  
 Hon. George A. McCarthy  
 Hon. Truman M. Bodden  
 Hon. Thomas C. Jefferson  
 Hon. John B. McLean  
 Hon. J. O'Connor-Connolly

**Absent: 5**

Hon. Donovan Ebanks  
 Hon. Anthony Eden  
 Mr. D. Dalmain Ebanks  
 Mr. Linford A. Pierson  
 Miss Heather D. Bodden

**SPEAKER'S CASTING VOTE**  
**Standing Order 42(2)**

**The Speaker:** The result of the division is six Ayes, six Noes. The responsibility falls upon me for the casting vote. It is required that the status quo prevail, so we will have to continue with the Order Paper as set down.

**MOTION TO DEAL WITH ITEM (7) ON THE ORDER PAPER INSTEAD OF ITEM (2) DEFEATED BY MAJORITY.**

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Well, Mr. Speaker, are you expecting me to carry on when I say I am not ready? This House surely can't expect that. You might want to move on to the next item, since you would not allow me to do something that I can do and am ready to do. Since the House has voted with the Speaker's vote as status quo, I can't carry on with (2). I am not ready for it. Therefore, since you would not allow me to do item (7)—which I am ready for—then you will have to move on to item (3).

**The Speaker:** Under Standing Order 24(11), which reads: "**(11) If a Member does not move a motion or amendment which stands in his name when he is called on, it shall be removed from the Order Paper unless some other Member duly authorised by him in writing moves it in his stead . . .**" I have no choice, but to remove it from the Order Paper.

**MOTION TO SUSPEND STANDING ORDER 24(11)**

**Mr. W. McKeeva Bush:** Mr. Speaker, we just went through a matter where we put back one motion for someone who is not here. I am not ready. I would suspend the relevant Standing Order to put item (2), Private Member's Motion No. 11/00, down for another sitting.

**The Speaker:** That is a different scenario. I shall now put the question . . . I need a seconder.

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I beg to second the motion.

**The Speaker:** The motion was clearly stated by the First Elected Member for West Bay. I shall now put the question on that motion if there is no debate. Those in favour please say Aye. Those against No.

**AYES (and one audible NO).**

**The Speaker:** The Ayes have it.

**Mr. D. Kurt Tibbetts:** Clearly the Ayes have it!

**The Speaker:** I only heard one No.

**Mr. D. Kurt Tibbetts:** That's exactly right, and they can't do it again.

**Hon. Thomas C. Jefferson:** Mr. Speaker, can we have a division?

**The Speaker:** You certainly can.  
 Madam Clerk, will you call a division?

**Mr. D. Kurt Tibbetts:** Mr. Speaker, begging and craving your indulgence, sir . . . If I may.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Before you go any further, Mr. Speaker, not looking for any arguments today, but this is madness! I understand exactly what is going on, and I appreciate what everybody is doing here, but all that is going to happen when this is over is that there is going to be more bad blood, which is totally unnecessary. In my view, sir, it is totally unnecessary.

Understanding that the Business Committee set an Order Paper, but also understanding that on occasions when motions have been put down, information is being gathered at the same time, sometimes people are off the island, sir, and we understand all of that. But, surely, if there is an argument over one motion—even if the House has to take a break and the Business Committee has to meet, which is usually the case (they are courteous enough to speak to the movers and seconders of the motions to find out when what will be ready)—rather than go through this whole procedure and do a process of elimination and get into hot water, I would suggest that they take a small break and find something acceptable to both sides of the House. If we don't do that sir, believe me, none of us are going to want to go through the circumstances that are going to prevail during the time we are here.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I understand that the member is ready on motion 12/00, which is the study to determine the long-term effects of spraying. What I think we can

then do, as a compromise, is to put this one after that, if the Third Elected Member for Bodden Town is . . . and then we move on with 12/00. Maybe . . . I just wondered if the member could say when he may be ready on this because—

**Mr. W. McKeeva Bush:** Mr. Speaker, on a point of order. What the minister is saying is not new. That is the normal circumstance in this House—if one member is not ready, they try to go on with the next one. He has just said, “if the member for Bodden Town is ready.” I am not ready to deal with that motion. They know it is a complex motion. I am not ready to deal with it.

The one that I am ready . . . why can't they take that one? That has been from March. I am ready to deal with it. But what he is suggesting is not new.

[Inaudible interjection]

**Mr. W. McKeeva Bush:** Yes. They knew he was there.

Mr. Speaker, the member from Bodden Town says he is ready. That is the normal way we do business in this House—if one member is not ready, we carry on with the next item if that member is ready.

**Hon. Truman M. Bodden:** What I am trying to ascertain from the member is when he will be taking this motion because following on what I said, this will fall behind the next motion. But we need to know what to do with the motion and when the member will be ready.

And let me just say it is normal that when one files a motion, that one should be ready within a reasonable time.

**The Speaker:** Before we have any further discussion, I am going to suspend proceedings for lunch. Informal discussions can be held during the break and we can come back with an amended Order Paper, or a firm understanding.

The House will now suspend—

**Mr. Roy Bodden:** Mr. Speaker!

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** You know that as responsible representatives we are really our own worst enemies. Do you mean to tell me that we have a Business Committee—whose terms of reference I am going to ask you to read when I get through—that cannot agree and cannot accommodate us? And we talk about a fraternity? It has broken down. I mean, is the government so unreasonable that it cannot concede a favour for one time? And then we are going to sell ourselves to be re-elected as responsible people?

Mr. Speaker, a thousand shames upon us!

**Hon. Truman M. Bodden:** Mr. Speaker, the government has put forward a clear compromise to take that member's motion, and this one after. All we are—

[Inaudible interjections]

**Hon. Truman M. Bodden:** —no, no let me finish, Mr. Member, please . . . and to get up and make a long speech when we have put forward this compromise, which is what the member wants . . .

All we have asked is when would the member be ready. If this motion is put down after and the member still is not ready, it means we have to go through all of this again. All I am asking is can the member tell us when he will be ready to put his motion forward. Then we can take Mr. Roy's motion and this one can be put somewhere further down. But I don't know how further down the member would like it to go.

**The Speaker:** Honourable Members, as I said, I am not going to entertain any further discussion. We are now going to suspend proceedings for lunch and hopefully when we come back we will have—

**Mr. W. McKeeva Bush:** Mr. Speaker, Mr. Speaker—

**The Speaker:** But before doing that, I will ask Madam Clerk to give me the results of the division.

**Mr. W. McKeeva Bush:** There was no division!

[Inaudible comments and general uproar]

**Mr. W. McKeeva Bush:** Mr. Speaker, can I just ask one question? because this involves me. I put a motion down that I am ready for. It's on the Order Paper, all we are asking is to move it up. Can the government say when it will be ready for that motion? I am not ready for the one they bounced up to the top, the last motion I put forward. Can they say when they will be ready for motion 7 then?

**The Speaker:** The result of the last division, I only heard one No.

**Hon. Truman M. Bodden:** May we have a division, then please?

**The Speaker:** Madam Clerk, will you call the division over please? That's procedure.

[Inaudible comments]

**The Deputy Clerk:**

**Division No. 6/00**

**AYES: 6**

Mr. W. McKeeva Bush  
Mr. John D. Jefferson, Jr.  
Mr. D. Kurt Tibbetts  
Dr. Frank McField  
Mr. Roy Bodden

**NOES: 6**

Hon. Samuel Bulgin  
Hon. George A. McCarthy  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. John B. McLean

Mrs. Edna M. Moyle

Hon. J. O'Connor-Connolly

**ABSENT: 5**

Hon. Donovan Ebanks  
 Hon. Anthony Eden  
 Mr. D. Dalmain Ebanks  
 Mr. Linford A. Pierson  
 Miss Heather D. Bodden

**The Speaker:** Please read the division.

**The Deputy Clerk:** *[Inaudible comments]* Six Ayes, six Noes.

**SPEAKER'S CASING VOTE  
 Standing Order 42(2)**

**The Speaker:** We have had two divisions. The first one as I announced, where there was only one No. We have taken the division over. The result of the second division is six Ayes, six Noes. It is again my responsibility to place the casting vote, and I am going to carry through the procedure I stated. I am going to suspend proceedings until 2.15 and let us come back with a corrected Order Paper that can be met by the members. Thank you.

**MOTION TO DEFER PRIVATE MEMBER'S MOTION  
 NO. 11/00 DEFEATED BY MAJORITY.**

**The Speaker:** Proceedings are suspended.

**PROCEEDINGS SUSPENDED AT 12.29 PM**

**PROCEEDINGS RESUMED AT 3.30 PM**

*(An amended Order Paper rearranging the order of Other Business was circulated)*

**The Speaker:** Please be seated. Proceedings are resumed. I apologise for the late start, but we had an informal meeting on procedure.

Moving on to Other Business, Private Member's Motion 12/00, Environmental Study to determine the Long Term Effects of Aerial Spraying and Landfill Leakage, to be moved by the Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Before I move the motion, sir, I notice there are four motions for me, one standing right after the other. I would like someone to explain to me, given the circumstances that I said I will not be here next week, how this is going to happen, and how it is going to affect my performance when I am not here.

**The Speaker:** I can't answer that question. I thought that's why we met informally to discuss it. Let us please get on with this motion and we will work on that later.

Will you move your motion please?

**PRIVATE MEMBER'S MOTION NO. 12/00**

**ENVIRONMENTAL STUDY TO DETERMINE THE  
 LONG TERM EFFECTS OF AERIAL SPRAYING  
 AND LANDFILL LEAKAGE**

**Mr. Roy Bodden:** I beg to move Private Member's Motion No. 12/00.

**Mrs. Edna M. Moyle:** I would like to second the motion.

**The Speaker:** Private Member's Motion 12/00 has been duly moved and seconded. Does the mover wish to speak to it?

**Mr. Roy Bodden:** The motion is entitled Environmental Study to determine the Long Term Effects of Aerial Spraying and Landfill Leakage, and reads as follows:

**"WHEREAS the Mosquito Research and Control Unit has been conducting aerial spraying over Grand Cayman for many years now;**

**"AND WHEREAS to date no scientific study, to our knowledge, has been carried out to ascertain what, if any, effects such long term spraying has on the environment, flora, fauna and the human population;**

**"AND WHEREAS some Members of the Legislative Assembly have received concerns from their constituents and other members of the public with regard to what many of these persons believe is an abnormal cancer rate in the Cayman Islands;**

**"BE IT RESOLVED that the Government consider commissioning a scientific study to ascertain what effects, if any, long term aerial spraying has on the flora, fauna, environment and people of these Islands; and whether there is any scientific evidence to support the notion that there is an abnormal cancer rate in the Cayman Islands which emanates from aerial spraying, hazardous leaks from the George Town landfill site or any other environmental cause.**

**"AND BE IT FURTHER RESOLVED that the report, in its entirety, be tabled immediately upon receipt in the Legislative Assembly for debate."**

It has come to the knowledge of many persons that pesticides and insecticides used years ago have now been found to have harmful effects on human beings and other living things in the environment. Some of these pesticides and insecticides have been known to make their way into the soil, the water supply, and have the potential of being harmful contaminants for years. One of the most common ones used years ago contained DDT, which is the abbreviation for a very serious insecticide and contaminate. It was used, among other things, to protect lumber from termites.

Arising out of the Vietnam War, Americans came to realise that what was a common defoliant known as Agent Orange is one of the most dangers and potent pesticides that one can come in contact with. Indeed, with the Vietnam War being over for some 25 years now, persons who came in contact with Agent Orange are just now manifesting the symptoms of this dangerous defoliant.



It was marketed under various names, one being Round-up. I am aware that many of these products are no longer sold in the Cayman Islands. However, the point I wish to underscore is that while we have ceased to market and dispense these products, it does not mean that the harmful effects were neutralised or that they pose no threat. It is my understanding from the research that I have done that it takes some of these insecticides, pesticides, and contaminants as long as 25 years before symptoms manifest themselves in humans and in the environment.

I suppose that as it is an everyday fuel, many people do not realise that one of the greatest contaminants is gasoline. Not far behind is the lubricating oil we put in the engine, and the transmission oil we put in the transmission, as well as the coolant antifreeze we put in the radiator. For years, we have been disposing of these fuels and contaminants in ways that are far from safe. In the absence of scientific evidence to the contrary, I am saying that it would be prudent for us to find out—particularly at the landfill—what hazards have been posed by our disposing of these dangerous liquids in less than safe ways.

The matter of aerial spraying has been going on in the Cayman Islands for about 30 years now, if not longer. Questions have been asked in the Legislative Assembly regarding the chemicals used and we have been given assurances by the minister that the chemicals being used now pose little or no danger to human beings. But, I wish to underscore that the chemicals being used now are not the chemicals that were used at the beginning of this exercise.

Through experience gained elsewhere, I realise that at the beginning many of these products were dispensed in Third World countries on a purely experimental basis. That is, the products were manufactured in the industrialised countries, but to a large extent shipped to Third World countries for testing. Longitudinal studies were done on this basis. Sometimes they were given for gratis or little charge, just to monitor the effectiveness of the product.

According to scientific studies, these harmful effects do not usually manifest themselves immediately. Some poisons can remain in the liver for as long as 25 years, until the toxicity level builds up to the point where it is harmful. From my research, I understand that although it may be ingested by mouth that is not where the symptoms may be manifest. Travelling throughout the bloodstream, the symptoms can manifest themselves in any part of the body. Sometimes it is on the skin, which makes this business so dangerous and deceptive.

It is interesting to realise that even a commonly used fluid like gasoline is a very serious skin irritant. Anyone who gets gasoline on his skin and does not wash it off immediately will understand what I am saying—not to mention coming in contact with somebody's mouth or a sensitive place where membrane and nerves are exposed.

I am not trying to be an alarmist. I just would like to create awareness. By the time I am through with my in-

troductory, some things I read will shock most of us, because we use these products everyday. It never dawned on us that they contained harmful substances.

But before I get into that, I would like to read something I got off the Internet that was published in *The Miami Herald* on Sunday 14, May 2000: "Banned Pesticides Invade Food Supply—Chemicals Stay in Soil for Years." The article reads: **"Like unwanted dinner guests who will not go home, DDT, chlordane and some other pesticides keep showing up in the food supply many years after they were banned.**

**"It has been known that those chemicals, known as organochlorines, persist in the soil for decades after they were applied. That was one of the reasons they were banned. Now, research shows that at least one of the chemicals—chlordane—is more easily absorbed by plants than previously thought. Scientists planted a garden in ground heavily treated with chlordane thirty-eight years earlier. The chemical turned up in all twelve vegetables planted, including lettuce, zucchini, and root crops like potatoes and carrots.**

**"According to a study published in the May 15<sup>th</sup> Issue of *The Journal of Agricultural and Food Chemistry*, the residues were within the safe tolerance limits established by government. 'Chlordane can accumulate in the body and lead to digestive and nervous disorders. It is a sound precaution to thoroughly wash your vegetables and peel your root crops,' said Mary Jane Incorvia-Matina [?], a scientist at the Connecticut Agricultural Experiment Station.**

**"Homeowners should also avoid putting a garden in areas where chemicals like chlordane may have been heavily used, such as near the foundation of older homes,' she said. Chlordane was commonly used to control termites.**

**"The Environmental Protection Agency banned chlordane in 1988 as a probable carcinogen, but it was widely used all over the nation until then. It still shows up even in produce from farms that switched to organic production methods."**

So, one thing comes out in this: Even chemicals used to control and treat termites pose a potential hazard and threat to human beings.

Being a simple man, I have a simple equation—whatever can kill insects must, over the long-term, affect human beings. Whatever we use to treat and kill termites, mosquitoes, roaches, or you name it, must over the long term affect us as human beings. These insects are part of the lifecycle, no matter how small or minuscule they are. If we as human beings ingest enough of this poison, it is bound to affect us. Experiments have shown that some of these things attack the nervous system.

I saw on television where one brand of pesticide attacks the nervous system of the ant. If it is designed to attack the nervous system of the ant, to disorient the ant and eventually kill it, if we come in direct contact with that, it must do something to the human body. It might

not necessarily affect us in the same way, but if we keep using it, it is bound to affect us.

It goes without saying that infants and small children are particularly susceptible. That is why if we use these products we should carefully read how to apply them. If we apply them injudiciously and unwisely, we are bound to be detrimentally affected. It is not wise to lock a house up, turn off the ventilation system and fumigate it while inside—breathing that air. That is why some people arrange to be away for two or three weeks when having their home sprayed. Young children who come in contact with that on the dishes they use, are bound to be affected over the years.

What I found most interesting is this list that I will selectively read from because it is enlightening. Many of these products, which have been found to be cancer-causing chemicals, are found in everyday products that we use.

**Dioxin:** A potentially carcinogen by-product that results from the process used to bleach paper. Dioxin treated containers sometimes transfer dioxin to the product itself.

**Fluorocarbon:** A colourless non-flammable gas or liquid that can produce mild respiratory tract irritation. Fluorocarbons are commonly used as propellants in hairspray.

**Formaldehyde:** A toxic colourless gas that is an irritant and a carcinogen. When combined with water formaldehyde is used as a disinfectant, fixative or preservative. It is found in many cosmetic products and conventional self-care systems.

**Glycerine:** A syrupy liquid that is chemically produced by combining water and fat. Unless the humidity of the air is over 65% glycerine draws moisture from the lower layers of the skin and holds it on the surface, which dries the skin from the inside out. Although potentially harmful in skincare produces, when applied inside the moist cavity of the mouth its properties as a homeoecant are potentially beneficial. Glycerine aids dental products to retain moisture as well as improve product consistency and spreadability without negative effects.

**Lanolin:** A fatty substance extracted from wool, frequently found in cosmetics and lotions. It has been found to be a common skin sensitiser causing allergic contact skin rashes.

**Lye:** A highly concentrated watery solution of sodium hydroxide or potassium hydroxide. It is combined with animal fat to make bar soap.

I could go on, but I have said enough to underscore that even the products we use every day and have come to take for granted are potentially harmful—from shaving creams to deodorants and shampoos. Even some toothpaste contains potentially harmful ingredients.

All these years we have been dumping these containers at the landfill site—which is not sealed—where they have been allowed to deteriorate and where the remnants of these containers have been allowed to leach into the soil. To date, we not conducted any scientific study to find out which, if any, of these dangerous

chemicals are in the soil leaching into our water system potentially harmful contaminants.

It is reasonable to conclude that with a growing population and increasing use of these, and with any lack of a formal awareness, or wide sense of education in terms of the ingredients of some of these products, we may not be without some risk. This fact is compounded when we realise that we have been practising aerial spraying of mosquitoes for probably over 30 years. And in the beginning years we were using DDT in some of the products.

All that stuff . . . it is fortunate for us now that people don't drink water from cisterns and catchment tanks any more on Grand Cayman. But, according to what I read, there is reason to believe that persons who may have been exposed to things like asbestos and these other insecticides may have accumulated some risk.

Other members and I have been approached by concerned constituents and members of the wider public. The motion is brought asking government to do something to ascertain whether or not the concerns have any substance, and, if not, to arrive at a scientific conclusion which reassures the people and allays their fear. It may be that the threat is more perceived than real; but I can tell you that one such person who approached me came with this unscientific yet startling statistic. He told me that he visited the endocrinology unit at Baptist Hospital, a unit with 24 beds. Twelve of those beds were occupied by Caymanian cancer patients. Now, if—and I have no reason to disbelieve my source—that is a coincidence, it is a striking coincidence.

We now find it necessary to ask government to do this study. I do not expect that the study will be completed in a day, but I certainly don't expect it will take a year either. Time is of the essence because we keep hearing of these cases of cancer, sometimes in very young people.

I have been in the company of medical practitioners who moot among themselves that it is indeed a striking occurrence that there are so many cases of cancer in its various forms in the Cayman Islands; and that there should be something done to ascertain what is the cause. If it is an environmental cause, then we can take steps to rectify and remove the threat.

I would refuse to believe that we, the Caymanians, have a genetic susceptibility to cancer because we are varied, and the genetic pool has significant variance. A layman like me would disqualify that as being a cause. I am aware that there is susceptibility among certain people, for instance the Ashkenazi Jews, who have a predisposition to certain ailments. But I would doubt that the incidence of cancer in the Cayman Islands is the result of any genetic predisposition of Caymanians.

I hope government will see fit to entertain the motion. I don't want to be an alarmist. I am just coming from the position as a representative of the people who is concerned himself. Upon speaking to my colleagues who share these concerns and who have been approached by constituents, we believe it would be a good thing. It would promote peace of mind and a sense of satisfaction

if there could be some scientific study that would show there is no empirical evidence to suggest that it emanates from any past or current practice.

I want to say to my colleagues in the Legislative Assembly that we need to be very conscious of the products we use because we are a market very dependent upon advertisements. We are not like the industrialised countries, like the US, where the government has set standards and has machinery like the FDA which tests products and can pull certain things from the market if dissatisfied. We are left at the mercy of the market.

If we misuse products, we run the risk of harming ourselves. Sometimes we will not find out until it is too late. One thing we can do is make ourselves aware of what we use, and read the components that go into those products, including things like air fresheners. Certainly, there has been a widespread move against fluorocarbons that have been found to deplete the ozone level, causing the ultraviolet rays to penetrate the atmosphere, one of the leading causes of skin cancer.

Other products that we use everyday are harmful, like automatic transmission fluid, brake fluid, lubricating oils, gasoline. These are common contaminants, skin irritants, and poisons. If ingested they can cause serious harmful effects. And some of them, if ingested, will have long term effects. Insecticides and pesticides are commonly used in Cayman.

Many years ago, there was a move because the Third World was the great experimental station for these things. In the years of the Green Revolution, when the major chemical companies and the agri-industry was developing these chemicals, many of them were shipped to Third World countries for experimental use to chart the effectiveness. One could say that for the last 30 or 40 years we have been using these products, and yet it is only now coming to light that some of them have devastating and long lasting harmful effects.

There is now a big furore about genetically modified foods. Genetically modified crops were touted as a miracle development because they were drought resistant and insect resistant. Now it is being discovered that many of these have harmful effects on human beings. School is out on a lot of the developments marketed as saviours of the problems of the developed world.

I hope that government will take an open and sensitive approach. I eagerly await their response.

**The Speaker:** The floor is open to debate. Does any other member wish to speak? (Pause) The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** The government is pleased to accept the motion calling for an environmental study to determine the long term effects of aerial spraying and landfill leakage.

I have said in this House before that the chemicals presently used for spraying are all US approved. But his motion and his presentation go beyond that. I was hoping that the motion would come at a later date because I

was trying to get more information to give a more in-depth debate on the matter. Unfortunately, I did not.

I would like to say that government takes this as a very serious matter. The information put forward so ably by the member presenting this was noted. We will endeavour to have this study done because it is very serious. The high rate of cancer causes one to be concerned.

There is very little I can say beyond that. I was caught short by the motion coming now, but I would like to congratulate the member for bringing the motion, it's a timely motion, one government will not take lightly.

**The Speaker:** The floor is open to debate. Does any other member wish to speak? (Pause) The floor is open to debate. Does any other member wish to speak? (Pause) The floor is open to debate. Does any other member wish to speak? (Pause) Last call: The floor is open to debate. Does any other member wish to speak? (Pause)

If not, would the mover like to exercise his right of reply?

**Mr. Roy Bodden:** When things go as smooth as this inside here, I am deeply suspicious!

[Members' laughter]

**Mr. Roy Bodden:** Not that I am looking a gift horse in the mouth, I graciously acknowledge the way government accepted the motion, and I am happy they did. But when you see the water so calm so early . . . the storm is coming somewhere. I hope I am wrong. But sometime before the Order of Business is finished, the storm is going to break out.

I welcome the approach taken by the honourable minister replying on behalf of government. I must say that was the response I expected. Nevertheless, politics being what it is, I have to be gracious. I note that the minister said it is a matter of the concerns of which are shared by government. I take that to mean that government is also aware of some of these concerns being held by our constituents and the wider public.

It is unfortunate that the motion came on such short notice that the minister was unable to provide a more in depth reply. Nevertheless, I believe that I gave enough information, and with his attitude we can get off on the right start to investigate into this matter.

I would like to underscore that the motion was not meant to alarm. I have no scientific evidence that there is any cause, environmental or otherwise. The motion is meant to satisfy a curiosity and a concern. I caution against anyone taking acceptance of the motion to mean that there is definitely something wrong. We don't know. In accepting the motion, government has undertaken to find out if there is.

We use many products in our everyday lives, which, from my information, would suit us to be very cautious about—cleaners, disinfectants, insecticides, paint, and acid . . . things of that nature. Some as common as

shampoo, hair treatments, antiperspirants, and other kinds of deodorants. We have to educate ourselves how to use them. Most importantly, when discarding them we have to discard them very carefully.

Many years ago there was a move by the Department of the Environment to take harmful containers and dispose of them in a special way. I am not sure that practice continues. But when using insecticides and fumigating we have to be very careful, particularly where infants and young children are concerned.

A very common bathroom cleaner containing Lysol . . . if ingested or if we breath that in, it has the potential to suffocate us. We may think we are not choked so nothing is wrong. Sometimes it takes years. I live near a farm and sometimes I speak with the guys who work there. I have certain concerns. When I see people wearing suits, all masked up spraying stuff . . . I don't have a good feeling. If they have to be so attired to make plants grow, or to keep insects off . . . I don't want to eat that stuff!

What is more serious is that the stuff applied goes into the water table. It accumulates to such a level that it becomes dangerous and harmful. We have passed the stage where we drink groundwater, but sometimes we use it to shower with. Continued use could cause serious disease.

One caution I would like to leave with members is that we need to educate ourselves, we need to be aware of the effects that these products have. I hope that at the end of the exercise the fear can be more perceived than real. I thank the government and look forward to receiving the report, and hearing that all is well.

**The Speaker:** Those in favour of Private Member's Motion No. 12/00 please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: PRIVATE MEMBER'S MOTION NO. 12/2000 PASSED.**

**The Speaker:** We are about 11 minutes before the hour of adjournment. Does the House wish to adjourn or go on to another motion?

The Honourable Minister for Tourism, Commerce, Transport and Works.

## ADJOURNMENT

**Hon. Thomas C. Jefferson:** Mr. Speaker, I believe it is the wish of members that we adjourn at this time. I so move the adjournment of this Honourable House until 10.00 AM tomorrow.

**The Speaker:** Before putting the question on the adjournment, I have given permission to the Third Elected Member for Bodden Town, under Standing Order 11(6), to raise a matter of importance for which government has responsibility.

## MOTION ON THE ADJOURNMENT STANDING ORDER 11(6)

### 20 PERCENT TAX ON CAYMAN NET NEWS

**Mr. Roy Bodden:** Since seeking your permission to raise this matter, I learned that government has reversed its position and has removed the imposition levelled. However, I consider this matter to be of sufficient seriousness and importance, that I would like to record in the *Hansards* of this honourable House my position and what I saw as a serious trespass to one of the fundamental freedoms.

I shall read the statement which was prepared before government reversed itself:

**"I rise to bring to the attention of all Honourable Members of the Legislative Assembly a matter which puts at risk freedom of speech, freedom of information and constitutes a serious trespass on Caymanians' right to know.**

**"That matter has to do with the National Team Government's imposition of the 20 percent tax on the *Cayman Net News* publication. According to an editorial in the Thursday June 8 to Wednesday June 14, 2000 issue: 'After publishing ten issues of *Cayman Net News* weekly newspaper . . . as well as three earlier monthly editions of the *Cayman Islands Business and Tourism News*, the publishers are suddenly faced with a ruling by the Collector of Customs that their publication is now subject to duty.'**

**"The *Cayman Net News* publication is of recent establishment and presents an alternative view to the other newspaper which hitherto held a monopoly on news and certain advertisements in the Cayman Islands.**

**"In a society where literacy, freedom of speech, freedom of information and an informed public should be widely encouraged as pillars of democracy, one would have thought that another newspaper would have been welcome. However, as has often been the case, the government has attempted to shoot the messenger because it does not like the message.**

**"Taxing a newspaper with local content, while allowing in duty free at least one similar publication in the form of the *Cayman Islands Community and Christian News* (CICCN) as well as a significant number of foreign newspapers, smacks of incoherence, flawed logic and plain senselessness.**

**"Taxing the *Cayman Net News* publication must be seen as a political act to stifle a medium which the Government obviously views as a threat. That this is so is borne out by the fact that certain Ministers in the present National team Government are remnants from a past Government which first imposed such undemocratic sanctions to avoid criticism.**

**"The outside world must know what is happening in the Cayman Islands during an election year**

when an educated and informed electorate is the only guarantee, to a continued democratic society.

“Regrettably, there has been a reticence, if not reluctance by other media houses to close ranks and register their concerns with this serious trespass to one of the fundamental freedoms of democracy.

“There are those who would explain this reticence and reluctance as self serving and one can quite reasonably ask how can an ambiguity in the Customs Tariff Law (1999 Revision) Section X be allowed to deny Caymanians their right to know.

“The Government should remove this spiteful, speech suppressing and freedom stifling tax forthwith and encourage more media to inform and educate the Caymanian populace in this most crucial election year. To those whom by their silence on this issue seem to be smug and apathetic, I leave this poem by Pastor Niemöller, a victim of Nazi holocaust.

*“First they came for the Jews. I was silent. I was not a Jew. Then they came for the Communists. I was silent. I was not a Communist. Then they came for the trade unionists. I was silent. I was not a trade unionist. Then they came for me. There was no one left to speak for me.”*

“Honourable colleagues of the Legislative Assembly if we are serious about freedom of speech, freedom of information, transparency and accountability, we must remove this punitive tax and amend the law so as to avoid future recurrences. If we care for our people we must allow them to have access to the viewpoints offered in the *Cayman Net News* publication. To tax the publication out of existence is not only a strike against the publisher, it is a threat to one of our most fundamental of freedoms. This assault on the ability of Caymanians to be informed, this assault on transparency and accountability by the National Team Government is far more representative of the routine than it is an aberration.

“Those seeking explanations can find lessons in this case, for it speaks with an obscene eloquence. I conclude this statement by remarking as did Edmund Burke many years ago: *‘All that is necessary for the triumph of evil, is for men of goodwill to do nothing.’*”

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** It may be right to pick up with Edmond Burke and say, good men do things. It may also be accurate to say that the statement made about the National Team Government has some flaws in it.

The paper produced by this firm the third Elected Member of Bodden Town referred to is a law—not a law that this government put in place. And the Collector of Customs, in his able duty, does what he is supposed to do—and that is to carry out the law.

The principal of the firm wrote to government, including the Financial Secretary and me, and we, the government, saw the inequity (so to speak) in it, and de-

cidated to waive the duty on this publication. I think that is the proper thing to have been done, and it is what the government did.

All of the words in the statement made . . . all of the statements that have been read here today, I believe are not at all accurate about the present government. It is the intention of this government to refund any duty that has been paid by this principal of the newspaper.

[Inaudible interjections]

**Hon. Thomas C. Jefferson:** The only way we could act quickly to bring some relief to the principal of this newspaper was to waive the fee, the duty on the paper. It is the intention of government to—

[Inaudible interjections]

**Hon. Thomas C. Jefferson:** This government never put anything on. It was a law made years ago—long before this government took up any responsibility for the Cayman Islands.

**Mr. Roy Bodden:** But some members of the present government made the law then!

**Hon. Thomas C. Jefferson:** I want to say that the principal of the organisation we are speaking about will also receive a refund of any duty paid so far.

**The Speaker:** Thank you.

**Mr. W. McKeeva Bush:** Mr. Speaker, just to seek clarification—

**The Speaker:** The First Elected Member for West Bay, just a short question.

**Mr. W. McKeeva Bush:** Just a short enquiry as allowed under the Standing Orders.

The Collector of Customs, as they said, did his duty. But if you read the paper, it says that he was “instructed” that he had to do it, or words to that extent.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** As the honourable Minister of Tourism mentioned, about two weeks ago Mr. Seals wrote to the honourable minister, copied to me, advising that he has been bringing in his papers for the past several months. Upon this occasion when he went to collect his supply of papers, he was advised that duty would be applied at the rate of 20%.

I got in touch with the Collector of Customs to find out what was the basis, and the Collector drew my attention to section 49.02 of the Customs Schedule, which reads: **“printed forms and similar stationery, greeting cards, newspaper printed overseas containing predominantly matters of local interest would attract**

**duty at the rate of 20%.”** The operative word here is “predominantly.”

The Collector of Customs said he would have no difficulty if government took the decision that duty should be waived or deferred on this until the law could be amended, or the issue examined by government. But he would have no choice other than to observe the requirements of the law.

This was then communicated to Mr. Seals and he was advised that the matter would be discussed in Executive Council. This was done yesterday, and government took the decision to waive the 20% duty and a further commitment recognising that there was an ambiguity in the law in that it could lend itself to various interpretations. A decision was also taken that this ambiguity would be addressed through an amendment to the schedule of the Customs Law in order to deal with this matter.

So, it was not a question of instructions being issued to the Collector of Customs. He was following the requirements as set out in the law.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, you will recall that when I spoke to you, you instructed me to mention that I wanted to make this statement to the honourable Third Official Member. I did so. It is my contention that government moved after I conveyed my intention to the honourable Third Official Member on Monday. I am saying that that was the catalyst.

I always respect your advice, Mr. Speaker. I mentioned it to the gentleman, and the government moved after that!

**The Speaker:** Do you wish to comment Honourable Third Official Member responsible for Finance and Economic Development?

**Hon. George A. McCarthy:** I will admit that this was mentioned to me by the Third Elected Member for Bodden Town. But when he mentioned it to me, I pointed out to him at that time that this matter was under consideration by the government, that it had been brought to the government’s attention by Mr. Seals, and that action was in line to address the issue.

This matter was under review from the point in time that it was brought to government’s attention by Mr. Seals.

As I said, I will agree that it was brought to my attention by the Third Elected Member for Bodden Town. But I must say that this was under review. It was brought up in Executive Council at last week’s meeting, and a decision was taken at that time that a paper should be brought, and it was brought at yesterday’s meeting. At that time, a decision was taken.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** One last query, can the honourable Third Official Member say who drew it to the attention of the Collector of Customs?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development . . .

I thought he said that the Collector thought it out himself.

**Hon. George A. McCarthy:** I cannot say who drew it to the attention of the Collector of Customs. When I spoke to him, as I mentioned earlier, he said that he recognised that the papers were being brought into the islands for several months. From what I gleaned from Mr. Seals’ correspondence, the papers were being brought in for the past nine months. But it was brought to his attention . . . and once it was brought to his attention, he would have no choice but to apply the relevant section of the law which stipulated the collection of duty at the rate of 20%.

I do not know . . . presumably it could have been one of his staff members. It must be recognised that there are several customs officers who have the competence of interpreting the Customs Law and the relevant schedule.

**The Speaker:** I shall now put the question that this House stand adjourned until 10.00 tomorrow. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 3.36 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 15 JUNE 2000.**

**EDITED  
THURSDAY  
15 JUNE 2000  
10. 24 AM**

*[Prayers read by the Honourable Minister for Agriculture, Communications, Environment and Natural Resources]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have received apologies from the Honourable Second Official Member and from the Honourable Third Official Member who will both be arriving later this morning.

Item number 3, Questions to Honourable Members/Ministers, Question No. 12 is standing in the name of the Elected Member for North Side.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 12**

**No. 12: Mrs. Edna Moyle** asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources if the Auditor General commenced the audit of the Telecommunications Department as requested in Finance Committee.

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

**Hon. John B. McLean:** The Auditor General has commenced the audit of the telecommunications section of the Ministry. Due to a miscommunication, this audit was not requested until recently. And for this we apologise. According to information received from the Auditor-General's office, the audit will be split into two parts. The first part of the audit will involve the inventory and physical verification of all telecommunication equipment within government by unit, section, and department such as cellular phones, radios and beepers, and this exercise is expected to conclude by 30 June 2000.

The second part of the audit is more challenging and will involve an in-depth review of the entire programme as well as make recommendations. It is expected that it will involve various elements, including: understanding departmental requirements; technical standards and solutions; procurement; equipment and system support and maintenance; life-cycle costing; and system management.

**SUPPLEMENTARIES**

**The Speaker:** Supplementaries, the Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you Mr. Speaker. I would like to thank the Minister for his in-depth reply to this question, but would he tell the House just how recently the Auditor General was requested to carry out this audit?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Natural Resources.

**Hon. John B. McLean:** I think it was about three weeks ago.

**The Speaker:** Are there any further supplementaries? If not, we will move on to Question 13, standing in the name of the Third Elected Member for Bodden Town.

**QUESTION 13**

**No. 13: Mr. Roy Bodden** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation what strategies have been put in place to deter smoking, and alcohol and drug use among school children since the publication of the Drug Use Survey.

**The Speaker:** The Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, there are a number of organisations in the Cayman Islands, both public and private, that provide services and programmes to deter smoking, alcohol and drug use among school children. As the Honourable Third Elected Member for Bodden Town correctly suggests in his question, a strategy has had to be employed in managing the many organisations involved.

The Ministry's strategy, under the 1994 Strategic Plan for Drug Abuse Prevention and Rehabilitation, has been to assign action plans to government agencies and non-governmental organisations to be implemented, and for this to be coordinated by the National Drug Council.

The National Drug Council was established by law for this purpose, and the government has provided grants to the non-governmental organisations to assist them in providing these services and programmes.

These agencies and organisations include Cayman Against Substance Abuse, the Cancer Society, Caribbean Haven Outpatient Services (on Cayman Brac and

Grand Cayman), the Public Health, Education, Customs and Social Services Departments, as well as the Royal Cayman Islands Police.

The services and programmes provided by these organisations are focussed on: prevention through education; promotion of healthy lifestyles; direct intervention with those school children that are identified as being involved with the use of alcohol and controlled drugs; and also, supply reduction.

In particular, Mr. Speaker, since the publication of the Cayman Islands Student Drug Use Survey in 1998, a host of initiatives have been undertaken to deter substance misuse and abuse amongst the most vulnerable members of our society—our youth. I will now give a few examples:

### **THE NATIONAL DRUG COUNCIL**

In the area of prevention and education, under the joint leadership of the National Drug Council and the Department of Education, in conjunction with the Royal Cayman Islands Police Community Relations Department, two major curriculum initiatives have been undertaken. These are the Police's Drug Abuse Resistance Education, or DARE, programme and the Lions-Quest programme sponsored by the Lions Club of Grand Cayman. Both provide a comprehensive education to the youth in the area of substance abuse.

The drug awareness programme of the last few years has been expanded from one week to one month, and in 1999, reaching virtually all youth in the schools with a special programme on drug abuse. This programme incorporated a motivational speaker, presentations to school children by local role models and distribution of educational materials to all schools. The annual Drug Awareness Supplement featured in the Caymanian Compass was written almost entirely by school children.

The National Drug Council is proposing a joint programme with the Merchants Association to address the problem of solvent abuse, and a community based intervention programme is underway in the former Racquet Club premises to provide our youth with a facility for the after school hours, beginning this summer.

In addition, the National Drug Council will undertake the second round of the student drug use survey later this year and the report will enable us to see the trend in substance abuse since two years ago and also allow us to evaluate and modify these programmes in order to maintain their effectiveness.

### **THE CANCER SOCIETY**

The Cancer Society, along with the Public Health Department, has been focussing on tobacco products and in May this year, along with the National Drug Council, launched yet another joint initiative in observance of World No Tobacco Day. The theme was "Don't Be Duped—Tobacco Kills," and it was chosen in order to counter the advertising by tobacco companies that target young people. The Cancer Society's advertisements on this theme are still being carried by the local media.

### **CARIBBEAN HAVEN OUTPATIENT SERVICES**

Caribbean Haven Outpatient Services (formerly the Cayman Counselling Centre) continues to routinely respond to school requests for presentations on the consequences related to alcohol and drug use.

Counsellors also work collaboratively with school counsellors, social workers and staff at Cayman Islands Marine Institute to ensure that students suspected of alcohol/drug use are seen at either the school or Caribbean Haven. An assessment is done of their condition and a treatment plan developed and carried out.

A new innovative programme that was piloted in 1999 involves offering an early intervention treatment programme for adolescents. The programme was first offered to adolescent girls referred by Social Services and Cayman Islands Marine Institute. It is a 12 week group co-sponsored by Caribbean Haven and the Women's Resource Centre and teaches young women to examine their self-esteem, roles and relationships as well as coping strategies. The second application of this group is aimed at adolescent girls from John Gray High School and is currently underway until the end of the school term.

In response to a need for an onsite intervention with adolescent males, two of the Caribbean Haven counsellors are currently facilitating a motivational enhancement group that meets weekly at John Gray High School for student referrals. This group teaches adolescents how to identify what acts as a trigger for their drug use and then teaches them other healthier strategies to use. It is ongoing until the end of the school term.

Counsellors from Caribbean Haven also work with Cayman Against Substance Abuse Youth to Youth Programme on an annual basis.

### **CAYMAN AGAINST SUBSTANCE ABUSE**

Other organisations such as Cayman Against Substance Abuse are sponsoring prevention programmes such as Youth to Youth and events such as CASA Week held in June this year.

### **SCHOOLS AND COMMUNITY ORGANISATIONS**

The schools are revising their alcohol/drug policies and procedures. Schools and churches and community centres are making afterschool activities available as an alternative to drug use.

Mr Speaker, the list of services, programmes and initiatives could be exhaustive. I believe that I have provided enough examples to give a good understanding of the extensive efforts underway. Many of these fall within the strategies and objective of the Strategic Plan for Drug Abuse Prevention and Rehabilitation. I thank you.

### **SUPPLEMENTARIES**

**The Speaker:** The Third Elected Member for George Town.



**Mr. Linford A. Pierson:** I would like to thank the Honourable Minister for that comprehensive answer on behalf of my colleague, but I would ask if he could expand on the question of prevention of substance abuse through education—what programme is in place for that?

**Hon. Anthony S. Eden:** That is a pertinent question and I will always go back to when my Permanent Secretary and I took over the Ministry and we felt very high focus should be placed on education.

This started, thanks to the help of the Lions Club, with the Quest Programme, which is now into the schools. Of recent times, the Dare Programme, where our feelings were (not only my feelings but education and people that deal with this problem) that we had to get to the youth at a much earlier time. The Dare Programme is now in the primary schools.

I have always felt that the area we must deal with is the demand reduction. It is a longer process than supply reduction but for it to be of great benefit is for the education of our young people and also the parents of the tragedies that happen once a child abuses.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Would the Minister say how providing the Racquet Club as a premise for youth after school hours beginning this summer is related to any specific drug prevention programmes?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, the reasoning behind that area is because we found that children when they get out of school, from 3.15 until 5.00 p.m. or 6.00 p.m. in the evening . . . and I am sure many of us have seen the [children] that are in the area of Subway. The programmes we plan to put there in the evenings will be to have someone there that the children can talk to, people that will help with their homework.

We find that some of the difficulties with the youth is integrating and getting into the homework philosophy and dealing with those things. We feel by providing in this area, a central part where the children will be monitored and where there will be counsellors available and other programmes, that this will be a very encouraging way to help the youth.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the Minister say if he is aware of the fact that in this particular area there is a long established tradition of drugs being sold, basically on both sides of the Racquet Club? Has any kind of consideration has been given to the possibility that this place could be taken over by youngsters who are in that frame of mind at this particular point? What arrangements are

being made in order to actively involve the Police or whatever security measures have to be taken?

If he has gone into the actual social control problem what might such a venture cost the government?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** That is a good observation the honourable member made. My understanding is that we were aware of the difficulties he mentioned, but we felt that this was one of the reasons we wanted to go in there. We were supported by the Community Relations Department. The facility will be staffed, and also on board with regard to security are the RCIP. This is really why we targeted an area like this, to try to push away and push out the dealers and the difficulties that have been experienced there.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** If the Fourth Elected Member for George Town has a follow-up I will give way.

**Dr. Frank McField:** I would like to thank the Elected Member for North Side for giving way. It is not that I am trying to make a problem out of this, but I am basically wanting to find out if some of the information that I am conscious of has been made available to the ministry and whether or not the ministry is conscious of it and therefore has involved this information in creating a strategy for that area?

Is this Racquet Club supposed to be an after-school centre, or is it supposed to be an after-school club? If the Minister says it is an after-school club, what is his specific meaning of an after-school club?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** We look at this not necessarily as an after-school club but more as a youth intervention centre where we will provide vocational, educational and sports activities to keep the youth occupied. As I indicated earlier on, there will always be someone there in supervision with the children and we see it more as for social and therapeutic reasons.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the Honourable Minister could explain to the House how these activities affect children from the eastern districts who must leave John Gray and George Hicks when the bus is ready to leave? And what after-school activities are put in place for the children of the eastern districts?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, this is an evolving programme that we are working on. One of the things that I have been made to understand is that we are looking at providing late buses for the children in the outer districts. But as we try now to involve the schools and churches, we are hoping to have these activities within the districts themselves—not necessarily for the children to have to stay in town.

This is a comprehensive thing that we are looking at, and in talking with my colleague, the Minister of Education, we are looking at providing a more organised structure as it is now in West Bay and George Town. We want to move this into all the districts where we can provide help for the children once they come out of school.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Seeing that this service is now provided in West Bay and George Town, would the Honourable Minister say how close we are to providing the service in the eastern districts? Is it two weeks? six months? one year? or five years?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** I feel the focus should be of great urgency on this. I am made to understand that there is a very successful one that the Education Department has at the East End School and I would give the commitment in working along with my colleagues that we will put this in place with greatest urgency within a matter of months.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** It is my information that there are two new phenomena that should cause concern among drug use in the youth population: One is the emergence of ecstasy and rave parties, and the other is the targeting of youth by cigarette manufacturing companies. Can the Minister say if his strategies are designed to take these phenomena into consideration? And, if so, what is purported to be done to prevent these phenomena from taking any greater hold in the Cayman Islands?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** On the ecstasy and rave . . . as a matter of fact this was brought out in a meeting in Bodden Town last night, the great concern this is.

The National Drug Council has just had a presentation on a strategy to deal with that and also on the approach to tobacco which is greatly supported by the Cancer Society knowing the advertising that has been done in the past by the tobacco companies. We hope to also deal in more detail with this through the assistance of the National Drug Council and the Public Health Department as we go forward with this.

**The Speaker:** If here are no further supplementaries, we will move on to Question 14, standing in the name of the Third Elected Member for Bodden.

#### QUESTION 14

*Withdrawn*

**Mr. Roy Bodden:** I would grave the indulgence of the House to withdraw this question. I noticed that it bears a striking similarity to one that was answered yesterday. Not wishing to cause any delay or put the Minister of Education under too much duress this early in the sitting, I would respectfully beg to withdraw this question sir.

**The Speaker:** I will put it to the House. Those in favour of withdrawing this question please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The question is withdrawn.

**AGREED: QUESTION 14 WITHDRAWN.**

**The Speaker:** Moving on to Question 15 standing in the name of the Elected Member for North Side.

#### QUESTION 15

**No. 15: Mrs. Edna Moyle** asked the Honourable Minister responsible for Education, Aviation and Planning what after-school programmes have been in place in the districts of North Side, East End, and Bodden Town since the passing of Private Member's Motion No. 1/99, as amended.

**The Chairman:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The after-school programmes that have been put in place in the districts of North Side, East Side, and Bodden Town since the passing of Private Member's Motion No. 1/99 are as follows:

| North Side         | East End                  | Bodden Town                |
|--------------------|---------------------------|----------------------------|
| Computer club      | Computer club             | Netball, Football, Cricket |
| Instrumental music | Pottery                   | Computer club              |
| Creative dance     | Arts & Crafts<br>Woodwork | Drama                      |
| Netball/Football   | Netball/Football          | Academics                  |
| Academics          | Academics                 | Arts & Crafts              |
|                    | Drama                     | Bible Club                 |
|                    |                           | Instrumental Music         |
|                    |                           | Dance                      |

#### SUPPLEMENTARIES

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. Would the Honourable Minister say if these after-school programmes—computer club, instrumental music, creative dance, netball/football, and academics are all carried out by the North Side school teachers or is there assistance from any other section of government?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddin:** Some areas are dealt with through the peripatetic teachers, such as the music and some of the sports. Also, the Sports Ministry assists in that area and other areas would be dealt with by the teachers.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the Honourable Minister would do me a favour and get some research done to find out how often the Ministry of Sports comes to the North Side Primary Schools to assist with netball, football and any other sports.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddin:** I will sir.

**The Speaker:** Are there any further supplementaries? If not, that concludes Question Time for this morning.

Moving on to item number 4 on the Order Paper, Other Business. Private Member's Motion No. 15/2000 to be moved by the Elected Member for North Side.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 15/00

##### WETLANDS

**Mrs. Edna Moyle:** Mr. Speaker, I beg to move Private Member's Motion No. 15/2000 entitled, Wetlands.

**The Speaker:** Do we have a seconder?  
The Third Elected Member for Bodden Town.

**Mr. Roy Boddin:** I respectfully beg to second the motion.

**The Speaker:** Private Member's Motion No. 15/2000 has been duly moved and seconded. Does the mover wish to speak to it? The Elected Member for North Side.

**Mrs. Edna Moyle:** In dealing with the introduction I will be very brief, as I believe that the motion speaks clearly

for what the seconder and I would like to achieve. It reads as follows:

**"WHEREAS the Government of the Cayman Islands has a department that is staffed with technical expertise and has the facilities to provide the necessary input to Government on environmental issues;**

**"BE IT NOW THEREFORE RESOLVED THAT the Government immediately bring legislation to set up the Environmental Protection Fund as an interest bearing fund under the authority of the Department of Environment and that monies from this Fund be used to purchase properties that are for sale within the proposed Environmentally Protected and Environmentally sensitive areas (now known as the Central Wetlands);**

**"AND BE IT NOW FURTHER RESOLVED THAT those parcels of land within the Central Wetlands, not for sale, remain as zoned under the Development Plan 1997;**

**"AND BE IT NOW FURTHER RESOLVED THAT the Government review the National Trust Law with the aim of amending, updating, examining and defining the role of the National Trust in a present-day context to create a balance between development and conservation/preservation, taking input from members of the public."**

I will deal with the first resolve of the motion, which is asking the government to set up the Environmental Protection Fund as an interest bearing fund to be used specifically for purchase of the properties for sale within the central mangrove Wetlands.

Mr. Speaker, I feel that the motion passed in this House to set up this fund should have been done this way from the beginning. Maybe some of the things that are happening now with the central wetlands may not have occurred. I know there are persons within the central wetland area that have said very clearly that their properties are not for sale. Mr. Speaker this fund must be used to purchase those that will be sold.

This fund cannot just be set up. And maybe I should have put it within the motion, but in my presentation I would ask the government to take note that there must be specific legislation for the Environmental Protection Fund as to how it should be used and otherwise. I have in my possession a copy of the Turks and Caicos Trust Fund Bill, which I am prepared to give to the government to look at with a view to bringing back legislation of a similar nature for the Cayman Islands.

Mr. Speaker, the second resolve is asking that parcels of land within the central wetlands not for sale remain as zoned under the Development Plan 1997.

For many years, the people of North Side and Bodden Town have used this land as agricultural land. They have never destroyed the property. They have never come forward with plans to develop it, and they have kept it in the original state as when passed to them by their grandfathers and great-grandfathers. Some have said that this property has been in their families for some one hundred and fifty years.

I personally believe that if we had not gotten into all of this rigmarole with environmentally protected and envi-

ronmentally sensitive land, those lands would have continued to remain as they have over the last one hundred and fifty years. The argument of the landowners in these areas is that they should be given fair treatment, being able to develop their land as the people on the West Bay peninsula, in George Town, and in Savannah have done.

Mr. Speaker, I stand here today to defend the landowners in these areas. I do not believe that any one of them is not environmentally conscious. But they do have an argument.

The third resolve is **“that the government review the National Trust Law with the aim of amending, updating, examining, and defining the role of the National Trust in a present day context to create a balance between development and conservation/preservation taking input from members of the public.”**

Mr. Speaker, this law was brought into effect in 1987—over ten years ago—and these islands have changed in every respect. We believe that it is time to look at this law, putting in place whatever it takes so that people can develop their property, but with a balance. I personally believe (and I speak for myself) that any property can be developed. But certain guidelines must be put in place as to how the development takes place.

Mr. Speaker I have gone through the National Trust's home page on the Internet. I find it a little hard to accept that we are fighting the landowners—who have owned these properties for hundreds of years—on the ground that zoning of the central mangrove wetland as environmentally protected in the revised Development Plan in order to stabilise land values and prevent or restrict development activity in the wetland over the period needed to fund its purchase for conservation.

Mr. Speaker, a man's land in the Cayman Islands is very dear to his heart. I know that you know, and I guess some Members of this Parliament know, that we have had situations in this country where families . . . some have died and gone on to their eternal rest, but because of friction over property they have gone on without speaking to members of their own family. That is my reason for asking that we look at this law. Back in 1987 there was this same concern that the National Trust would come to a point where they wanted a piece of land and they would stop development on it.

It was not the intention of the Legislative Assembly in passing that law at the time . . . many members spoke out that there must be safeguards put in place and this is the reason.

We support the environment. We support the National Trust. But we have to come to some conclusion and some balance where we can deal with both the National Trust and the landowners.

Mr. Speaker, it only makes the situation worse when we see that the issue of Cayman Islands wetlands concerns has now reached the United Kingdom Parliament. Would it not have been better for the National Trust, or any other group for that matter, to make a report to the Legislative Assembly? and let us see how we could come to some conclusion and deal with this matter.

It says here in the *Caymanian Compass* of Friday, 9 June 2000, **“Mr. Tam Dalyell asked the Minister of State for Foreign and Commonwealth Affairs what reports he had received about environmental degradation of the mangrove swamp in the central area of Grand Cayman.”** I know of no development that is degrading that area at present.

Mr. Speaker, there is not very much development left to be done on the Seven Mile Beach area. For us to take 9,000 acres of land in the Cayman Islands—which is very limited as it is—and declare that no development can take there . . . Mr. Speaker, I cannot agree with that. I say we must look at this and see how development can take place balanced with environmental, conservation, preservation, whatever.

Mr. Speaker, with those few comments I seek the assistance of this House in supporting this motion and I hope my honourable colleagues will see fit to do so and I will now await the government's response and other members' debate. Thank you.

**The Speaker:** The floor is opened to debate, does any other member wish to speak? The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddin:** Mr. Speaker, this motion has three areas within it that deal with different aspects of the central wetlands. We know that to be, as the honourable member stated, close to 9,000 acres of land that stretches from within the area of the Duck Pond well out in the vicinity of the Cayman Kai area, to where the mangroves go in that area. So, that is really the area that we will be looking at and going back to the mangroves. It is a very large stretch of land.

I would like to first set out and deal with an area which more directly affects my ministry on this, and that is really to deal with the question of the proposed environmental zones.

Mr. Speaker, as members of this honourable House know, for twenty years—between 1977 and 1997—there had been no updating of the Development Plan. In that year, this Honourable House approved the Development Plan amendments in 1997 and produced for the first time an updated Development Plan. There had been many attempts over the past years with this highly political and very difficult matter, but the time had come when it was important that a plan from twenty years ago (which should have been revised at least every five years) was updated.

The last matters relating to the lead-up of that, Mr. Speaker, was that in February 1994 there started a 90-day public review of that plan with some 300 representations received. In relation to the environmental zone, as far as I can remember, it probably stretched (if you looked at each person) well into the thousands.

The Development Plan appeals tribunal sat in 1996, and published its report in 1997. The appeals tribunal recommended another study be made of the environmental zones to be brought back to the public. In other words, a second look should be taken at these.

The Development Plan 1997 on that recommendation was ultimately passed in December 1997, and it was passed without certain zones in it which included the environmental zones and it also included neighbourhood, hotel/tourism zones and the road corridors. The feeling was that it was better to have gotten through a substantial percentage of the plan in 1997 rather than having a plan that was twenty years out of date.

I need you to bear with me a bit as I give this history in relation to the environmental zone, sir.

Then at that stage the government gave a directive that the Central Planning Authority should carry out a fresh survey of the environmental zones, neighbourhood, hotel/tourism, and the road corridors. As far as I can remember, in September 1999 the Central Planning Authority presented the proposed amendments to the Development Plan 1997 to the public for review and comment.

I would like to mention here, sir, that one of the problems is that a very detailed and highly democratic process of objections arose because decisions the tribunal made on representations could have affected adjoining parcels of land. The law provided no procedure for those people to then be notified for a second hearing. So, there were grounds upon which to have excluded these zones. I need to just perhaps make that clear.

What could happen is that someone may say that they wished to have their property zoned from residential to commercial, and that could affect surrounding property. Under the process, they had not been notified when the hearing came up because there was no procedure for that. But that is being rectified and there will subsequently be amendments to regulations coming with the present amendments to the plan when that comes up.

I must tell you that politically to try to deal with two development plans within a space of eighteen months—when, after twenty years, governments could not get it through—has been quite an uphill battle.

So, these went out to the public in September 1999, which included the environmental zones, the other ones I mentioned, and the corridors. Many of the changes to these zones came as a result of recommendations made by the appeals tribunal, which were not put forward when the 1997 plan was done.

The public comment period for the proposed amendments expired on November 16, 1999, of which we had received over 900 representations. And this is the difficulty in trying to deal with a Development Plan. The vast majority of those related to the proposed environmental zones, both for and against.

On 1 December 1999, taking into account the public input that had been received, the Central Planning Authority resolved to move forward with the non-environmental aspects of the proposed amendments. However, regarding the environmental zones, they determined that a special committee should be established to discuss the proposed zones, and, if necessary, make suggestions relating to those or to others.

That committee (which is commonly known as the Wetlands Committee) should report to the Central Planning Authority within six months. I think those were the

terms. That decision to form the Wetlands Committee was appealed by Mr. Ezzard Miller on 17 December 1999, and that effectively put the formation of the committee on hold, obviously, until the appeal could be heard.

On 10 May of this year the appeals tribunal heard the appeal and resolved that they did not have jurisdiction to hear the appeal, and it was dismissed. Therefore, Mr. Miller's appeal failed. That basically sets the history and where we are at present with this.

So, at present, we are moving ahead and hearings have been going on. I would like to take this opportunity to thank the Chairman and the members of the Development Plan appeals tribunal and also the Chairman and members of the Central Planning Authority especially our director and staff at the planning department for the untiring work they have put in to bring the second Development Plan amendment within a space of two years to where, at least, there can be partial fruition of it.

To sum up, at present the environmental zones have been required by the Central Planning Authority to be put into a Wetland Committee to study. I understand that committee could have been made up of members of the owners' group, members of the public, some of whom should be drawn from the environmental leaning, and some drawn from the department itself because there could be a fair amount of work to be carried out. In fact, it may well be that the Central Planning Authority (and I am not certain if what I am saying may have been meant, but they did refer to a study of the wetlands to really try to get a compromise position between the views of the owners) . . .

I must say that ownership of land in this country is a right that cannot be taken away without proper compensation preferably dealt with voluntarily. In my sixteen years in government, we have always been extremely reluctant to use the compulsory purchase powers.

So, I would just like to make my views, and these are my views, but I believe they have been shared by the four governments I have been in, in that one has to move cautiously and voluntarily when one deals with land that people own because these are rights, not only the legal rights but also sentimental reasons. Sometimes property is handed down from father to children or from mother to children, or parents to children rather. Against that has to be balanced the importance of this property, nearly 9,000 acres, ensuring that balance provides for the future children of this country that which is necessary to preserve and enhance the environment for the betterment of future generations.

Mr. Speaker, notwithstanding what was said in the House of Parliament in the United Kingdom that the mover of the motion referred, to and which was published in the *Caymanian Compass*, it is important to get the proper balance between the landowners and the environmentalists. This is where it is important that a responsible position be taken by both sides to work out a proper compromise.

I was discouraged that Mr. Miller stated that . . . well, he obviously did not want to have such a committee. But I believe the Central Planning Authority was right

in trying to deal with this through a situation of mutual understanding between the two sides. It becomes impossible, I am sure, for that to happen unless we can have a meeting with the sides.

Now, I must say in fairness that I did have a good meeting with the landowners. I basically expressed to them what I have said today, and while this is not in my hands, and despite what may have been said in the *Caymanian Compass*, it is very obvious that the major driving force is the National Trust. The Reverend Alson Ebanks was correct in that the ultimate decision under the law rests with the Legislative Assembly itself—not Executive Council—as far as bringing in a development plan.

In fact, Mr. Speaker, the law is so clear on that, that it requires me to bring such amendments to the plan as the Central Planning Authority decides to this House. I have no choice but to abide by that process. That is a good democratic process, and ultimately the question of whether the zones in the plan (that is, any zones not just environmental) are made into law rests with this honourable House.

The section that states that is section 14(3)(a) of the Development and Planning Law, which says, **“If any objection or representation with regard to any such plan or proposals is made in writing to the Authority within two months after the publication of the notice referred to in subsection (2), the Governor shall refer the matter to the Tribunal or a Development Plan Tribunal for an enquiry into all such objections or representation [and this has been done]; and the Authority shall, before submitting any such plan or proposals for the approval of the Legislative Assembly, take into consideration the objections or representations together with the report thereon of the Tribunal or a Development Plan Tribunal, as the case may be, and shall include such report with the plan or proposals submitted to the Legislative Assembly.”**

So, it is a process in which the Central Planning Authority does not refer the matter to government for a decision, it refers it to the Legislative Assembly through me. That is why with the amendments that we have seen coming here from time to time for change of use of land . . . in fact, many times I just get these, and I know very little about them. But it is my duty and responsibility to bring them in here. I obviously do my preparation before they come to the House so I can defend the position of the Central Planning Authority if necessary.

Mr. Speaker, the middle resolution section where it says, **“AND BE IT NOW FURTHER RESOLVED THAT those parcels of land within the Central Wetlands, not for sale, remain as zoned under the Development Plan 1997.”** What would appear to be based on the facts that the Central Planning Authority has given to me, is that the new amendments will not go forward in the plan that will be brought here. Therefore, it seems that until the committee completes its study and review of the central wetlands, the position will remain as it was prior to these amendments going forward. That is, it will remain as zoned under the 1997 Development Plan.

So, government is happy to accept that status quo position bearing in mind that ultimately the decision, as I said earlier, does not rest with government but the changing of those zones is really a decision for this honourable House in due course.

Mr. Speaker, the next section of this states, **“AND BE IT NOW FURTHER RESOLVED THAT the Government review the National Trust Law with the aim of amending, updating, examining and defining the role of the National Trust in a present-day context to create a balance between development and conservation/preservation, taking input from members of the public.”**

Mr. Speaker, that law is now quite a few years old. It is always good to amend and update. I think it has to be most important to this society that while the National Trust, as a protector of our national environmental land, houses, historic sites, and everything else that is under it . . . and it is their duty to do that which they feel is right in relation to that. I fully support them—and my children and I are members, and I attend not only their fundraisers but where I can I meet with them and get their views from time to time. Indeed, on the 1997 Development Plan I met over extensive periods with them in an effort to get these brought forward into the 1997 zones.

I also believe it is their duty to create a balance (as the honourable mover has stated) between development and conservation/preservation. I know that bridging that gap is not easy. It is very controversial because you have two very opposed views, but I think it must be right to respect the views both of landowners and of the National Trust, and to ensure that balance is reached. I don't mind telling you, Mr. Speaker, anyone who thinks that working out a balance between the landowners and the National Trust is going to be an easy one . . . .

The 1997 plan had some amendments which helped landowners considerably, and which helped the Trust. And there was some balance in that. For example, the zones in this area were increased to 1000 feet (or there about) along the coast. But this was land that really had very little commercial value because there was already a mangrove buffer zone, as it was originally called, and it was merely an extension of that. The position now of dealing with all of the land, some of which is usable, is one that is not easily dealt with.

Mr. Speaker, in an effort to reach a compromise, the Central Planning Authority put forward (and I moved it in the meetings that we had with both the National Trust and with the landowners) that maybe a part of the solution would have been to ensure that where for example a person had 100 acres of land, the most important part is the part near the sea—the red mangrove area going progressively into black and white mangroves and into logwood—was whether it may have been possible.

And, quite frankly, I intended to forward to this House to transfer the building rights that existed on the land which the Trust wished to preserve (or a reasonable part thereof) to the other property, some of which is reasonably dry land. It had the advantage of doing several things: the land would still have the potential for building but the building would be on land that was more the dry

part of it thus preserving and blocking the use of the land that the Trust wished to preserve.

That would also have the advantage that perhaps 20 acres of land, instead of the 100 acres, could be taken. And the person be allowed to build on the 20 acres what he would have been able to build on the 100 acre, in that the roads would be much shorter, and the density could be higher (because we must remember that this is an area where we are probably looking at basically larger areas of land per house, an acre or whatever). I thought it was a partial and attractive way of keeping the value of the land and developing a small part of it while preserving the rest.

In the course of the meeting we advanced that even further to say that the owners could transfer the rights to other land, not necessarily the wetlands but other land they may have had, and get the same building rights, the higher density on it and then preserve the whole or it could even be part of both. So, no loss of value of any consequence would arise to the landowner and we could preserve a substantial part of the wetlands without heavy compensation because the cost of buying 9,000 acres of land is going to be substantial and is something I can assure members of this House is going to go way beyond what either the Trust or the country can afford at one time.

Now, I support progressively buying parcels of land and preserving that. I support that fully. Once again, it has to be weighed against the demands for money within the country.

I don't have any solutions beyond those that were put forward and discussed with both sides. I must say that there are some owners who are not prepared to sell at any cost, and that is also a right that those people have. What I have always believed in life is that if we can get through 40% to 70% of a matter then sometimes we have to leave the remainder for another day and maybe fight for that at another stage. But we rarely get everything we want 100% as want it when we want it.

My advice to the Trust has been (and they did accept it in the 1997 plan) is that they were getting a percentage of what they wanted but obviously not everything. We have to remember that the wetlands now already have some zoning on them that goes a long distance in protecting them. For example, there would be restrictions now on dredging in front of that area or cutting through the mangroves there. In fact, there has been none. Those wetlands are still as pristine as they were a thousand years ago when they were formed.

As far as I know, there is the mangrove buffer zone which preserves the most important part near the sea where young fish hatch.

I must say, Mr. Speaker (and I am just speaking for myself because I intend to be frank in this motion despite knowing its political sensitivity), I do not believe that the National Trust should have the power to sell land. And I will be frank. I have told them this time and again. They are there to preserve, and therefore the power of sale of land, if I am around I will be asking that that be removed.

If government and the public are going to put property in their hands (and I know they have a say in that it

can be condemned and not sold, inalienable and whatever), but if the power is not there, then, obviously, if land is given and it is not made inalienable then it can be sold. I don't think that should be there. I think they are there to preserve and the power to sell and transfer property should not be there.

So, the government is very happy with the last resolve clause as well, which I am sure the National Trust itself will accept the time has come to update and review the National Trust Law.

Mr. Speaker, I am wondering before I go on to the third part of this motion if we may perhaps have a break.

**The Speaker:** Certainly. We shall suspend proceedings for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 11.49 AM

#### PROCEEDINGS RESUMED AT 12.30 PM

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

Continuation of debate on Private Member's Motion No. 15/2000, the Honourable Minister for Education, Aviation and Planning, continuing.

**Hon. Truman M. Bodden:** Mr. Speaker, with your permission, I would like to move an amendment to the first resolve clause. This is an amendment that has found favour with the mover and seconder, sir, and which will fall I think more in line with the laws and the structuring of the fund. With your permission, if I may move—

**The Speaker:** Certainly. The amendment to Private Member's Motion 15/2000 has been duly moved. Do you wish to speak to it?

The Honourable Minister for Education, Aviation and Planning. I will add that I waive the notice required under Standing Order 25(2).

#### AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 15/00

**Hon. Truman M. Bodden:** Thank you very much. It says, "**I, the Honourable Minister for Education, Aviation and Planning, seek to move in accordance with the provisions of Standing Order 25(2), that Private Member's Motion No. 15/2000 be amended as follows:**

- (i) In the first Resolve between the words "immediately" and "set" add the words "*bring legislation to*";
- (ii) replace the words "the Department of Environment" with "*the Financial Secretary*"; and
- (iii) that the following be added immediately following the word "Wetlands)" "*and any other area agreed by Finance Committee and for protecting and preserving the environment of the Islands.*"

Perhaps you could put it to the vote, depending on who wishes to speak. But, if not, I would then finish off on that part of the motion.

**The Speaker:** The amendment to Private Member's Motion No. 15/2000 has been duly moved. Does any Member wish to speak to it?

No debate? I shall put the question that the amendment to Private Member's Motion be passed. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. Private Member's Motion No. 15/2000 has been duly amended.

**AGREED: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 15/2000 PASSED.**

**The Speaker:** The Honourable Minister for Education, Aviation and Planning, please continue.

**Hon. Truman M. Boddin:** The first resolve clause then reads, "**BE IT NOW THEREFORE RESOLVED THAT the Government immediately bring legislation to set up the Environmental Protection Fund as an interest bearing fund under the authority of the Financial Secretary and that monies from this Fund be used to purchase properties that are for sale within the proposed Environmentally Protected and Environmentally sensitive areas (now known as the Central Wetlands) and any other area agreed by Finance Committee and for protecting and preserving the environment of the islands.**"

Mr. Speaker, the importance of this fund is that it should be extended into other areas. When we refer to areas there it also means other islands if necessary. That it be used along with other purposes for protecting/preserving the environment, for purchasing this property that is now an issue. I am sure that the landowners will appreciate the mover's wisdom in that section because I know many of them may wish to sell but they wish to have a fair and reasonable price on their property.

Mr. Speaker, I have to correct one statement I said earlier and that was that the first amendment was in 1997. I apologise for wrongly stating that. In fact, the Honourable Third Elected Member for George Town (then as the Minister responsible for Planning) did bring major amendments in 1991 and several other years. I commend him for that because I understand the difficulty of doing that and also the courage that it takes to bring such politically sensitive amendments to a development plan.

Government is happy with this motion in total, as amended. We are very pleased to play our part in ensuring the continued preservation and protection of the environment and our historic sites so that our children and our children's children inherit our islands and its land with substantially the same pristine environment that now exists above the land, below the water, as well as in the air.

I think it is most important that we find a compromise on this issue and find a meeting point between the landowners and the National Trust and the views put forward by both. What is most important, and this motion does provide that . . . in fact, the law clearly provides that compensation must be paid and it must be the fair market value of the property whether that is done by government or it is done privately. Land must not be taken, especially compulsorily.

As I said, sir, it has been extremely rare that we have ever used the Compulsory Purchase Law because personally I do not believe in that. I think if someone has property then we should pay the fair market value of it.

So, that balance I think is most important to get right and also the balance in the future between what is fair and reasonable to landowners and what is fair and reasonable to the National Trust and the environmentalist.

In conclusion I would like to really call on both sides, the National Trust and the landowners, to try to reach a resolution, at least get together, which I believe is an important starting point. And also to say in any way that either the government or I can personally assist in mediating or trying to reach some consensus, whether it be within the realms of what government has put up or even on the voluntary, I would be very happy to do so, sir.

I believe that this issue is one of the most important we have. Thank God, the wetlands are still preserved. As I said earlier they do have a certain amount of protection, in fact a lot of protection in the areas that are within one thousand feet of the sea.

I commend the mover and seconder of this motion and say that it has our support and we are prepared to assist in any way possible. Thank you.

**The Speaker:** The floor is open to debate. Does any other Member wish to speak? Would Members prefer to take the luncheon break at this time?

We shall suspend proceedings until 2.15 p.m.

**PROCEEDINGS SUSPENDED AT 12.42 PM**

**PROCEEDINGS RESUMED AT 2.20 PM**

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 15/2000 as amended. Does any other Member wish to speak?

The Third Elected Member for Boddin Town.

**Mr. Roy Boddin:** As the seconder of the motion, and as one of two representatives who have been in contact with the concerned landowners, quite naturally I have a few observations to make.

Mr. Speaker, I believe that in the essence of clarity I should begin by saying what the motion does not seek to do. The motion does not seek in any way to denigrate or lessen the importance of the National Trust as an organisation. Rather, as has been mooted by previous speakers, particularly the mover, the motion seeks to put into a clear and unequivocal perspective the role of the National Trust as envisaged by us as legislators and rep-



representatives of the people vis-à-vis the landowners' inalienable right to keep their lands or to dispose of their lands as they, the owners, see fit—because that is an inalienable right guaranteed by the laws of this land.

Having said that, I wish to underscore that the history of the relations between these landowners and the National Trust probably went a little awry from the beginning. If either party had taken the time to explore the possibility of an amicable discussion, I believe that matters would not necessarily have come to this. Nevertheless, the fact that they are before the Legislative Assembly cannot altogether be categorised as unfortunate because I believe that it is high time that legislators took a look at the National Trust Law. From time to time legislators have a responsibility to review laws and to assess the functioning of these laws. That is certainly so in cases where we have feedback from our constituents.

It is an essence of democracy that laws are built where there is flexibility to amend and change as is necessary. And, of course, it is the responsibility of the government to bring it to the parliament.

I was particularly happy with the tenor and direction of the debate by the honourable minister under whom planning falls, the Leader of Government Business. I have to be careful, in that while I want to be fair and generous, I don't want to make it look like there is no difference between us in an election year! But I am happy to report that on this occasion we are certainly on the same side. [I wish] that could exist for ever, but the closer we get to November probably the further apart we are going to pull. But, as I have said before, we are certainly not mortal enemies.

Mr. Speaker, I was particularly pleased with the approach taken by the minister and his acceptance of the motion and also the fact that the minister, using his good legal wisdom, brought an amendment that further achieves the purpose for which we were advocating and labouring. I believe that with this amendment, this motion cannot be improved and that is saying a lot.

Mr. Speaker, it is my understanding that the National Trust may have had some concerns as to the motives of those of us who brought this motion. Let me put that in perspective by saying that as representatives of the people our primary responsibility is to ensure that the views of our constituents and the wider public are being adhered to and being taken into consideration when we come to the parliament to represent them.

So, I see my role in here first and foremost as being a mouthpiece articulating the concerns of my constituents. Now, where does that place me with respect to the National Trust? Well, it is as one can quite logically accept on these occasions a rather ambiguous position because I also have to respect the fact that laws have been crafted which allow the National Trust to exist and to operate.

But, Mr. Speaker, let me put it into perspective by asking a simple question: Which comes first? The people or the National Trust? Quite logically, the people. It was the people of Bodden Town who voted me here and not necessarily the National Trust, which is made up proba-

bly of some members of Bodden Town but not exclusively of all Bodden Town.

So, my responsibility is clearly and unequivocally first to represent those people, and in representing those people I have to take into consideration the wishes that they have with regard to their land—how they want to use it, and how they want to have access to it, and how they want to preserve it.

Now, Mr. Speaker, I had occasion to visit with them initially. I went to one meeting at the civic centre in Bodden Town and another at the civic centre in North Side. I was impressed by the turnout. And, Mr. Speaker, I don't have to tell you that there is an old adage in the Cayman Islands which says, *'You may take a man's wife. You may take his car. You may take his boat. You may even take his children—but you cannot take his land.'*

These people made it quite plain that they still live by that old adage. I can understand. And there were some mixed signals and mixed messages at the beginning, Mr. Speaker, and I quite sympathise with the position of my constituents and landowners, both of Bodden Town and North Side. What appears to me to have been portrayed is a double standard system.

They get the impression—mistaken or otherwise—that the people on the western side (what we sometimes refer to as the West Bay peninsula) were allowed to do whatever they wanted to do with their land. But these other landowners, those in North Side and Bodden Town, were suddenly faced with restrictions and indeed threatened with a disruption, threatened by some other organisation appropriating their lands and certainly handcuffed in terms of what they may be able to do with their land.

It was also my understanding and my information from those two meetings that not everyone was interested in selling or developing the land at this time.

Now, Mr. Speaker, the government set up an Environmental Protection Fund some time ago. In the recent past, we had some heated debate regarding that Fund and how it should be used and what should happen. It is my understanding that one of the purposes of that Fund is for the resources to be used to acquire properties, some of which are the subject of this motion. It can be used in other ways, as the amendment brought by the honourable minister stated. We have mooted that the resources may even be used for studies of an environmental or nature-preserving mission.

Now, it is also my belief and my information that the problem with the National Trust and the landowners emanates out of a difference in philosophy and vision. The National Trust while its foremost objective is education, preservation, and dissemination of the value and necessity to preserve some of these lands, it was also (and again perception or reality taken) interpreted as a trespass upon these landowners. Well, the very nature of land in this society would mean that from the very outset the two sides were diametrically opposed, and therefore it was incumbent upon both parties to gingerly state their positions. I have to say, in all deference to the landowners, that when I attended those two meetings I came away with a clear and distinct impression that there was

a threat that they were going to lose control of their land. That's the impression I came away with.

Quite understandably, there was some representation made by these landowners to their representatives. It is regrettable and unfortunate that a situation could not have been arrived at whereby the two parties (that is, the National Trust and the landowners) sat down ideally in the presence of an independent and impartial body to settle the differences.

From information that I have, the National Trust in this instance may have been its own worst enemy. The Elected Member for North Side read a statement which was extracted from the Home Page of the National Trust where they are purporting to control the price of these lands—by inference, controlling its ownership and what can be done with it. Now that, to my mind, should be the furthest thing from the interest and the objective of the National Trust.

I have to say again that the landowners have every right and reason to feel strengthened to organise themselves to meet that kind of threat.

So, Mr. Speaker, the landowners resorted to the avenues which could best yield them results—they came to the persons whom they elected to represent them.

We brought a motion that we thought was fair to both parties, a motion which allowed the National Trust to exist and do what we saw clearly as its function, and the motion which would allow the landowners to retain their inalienable right and control over their property.

But, Mr. Speaker, I have to digress a little because I was very surprised to read in the *Caymanian Compass* of a few days ago where the National Trust had cause to be asked some questions in the House of Commons concerning the destruction of central wetlands in the Cayman Islands. In a democratic society, anyone is privileged to raise any matter. I am not questioning the ability of the National Trust, or the raising of this matter. But I have to say that the information contained some inaccuracies and irregularities and almost constitutes a contempt of this Legislative Assembly.

It was in the issue of the *Caymanian Compass* of Friday, 9 June. To my knowledge, there is really no destruction of the central wetlands because no development is going on in those wetlands now. I respect the right of the National Trust to raise this, but I am saying that the matter could have best been handled by also acquainting the Legislative Assembly of their concerns. So, it was most inconsiderate. I say that clearly and in all seriousness.

Here we are now in a struggle against the OECD and the G-7—and now the National Trust is going to have cause to visit the international environmentalist on us too? You know, that is why I say it constitutes a contempt. Really, it does. I would have thought that any organisation would have come either through you as the Speaker by writing to the parliamentarians and saying, *'we have certain concerns and we would like to know what is the position of the Legislative Assembly'*; or by writing to the government and asking, *'what is the position of the government with regard to this?'* But for us to

have to read it so they are complaining on us as if they are complaining for the mother to flog us . . . .

Now, Mr. Speaker, you know it is a good thing that we are mature, because immature people would have countered with a retaliatory strike. The National Trust must realise that they were created by the Legislative Assembly in the Legislative Assembly, and the Legislative Assembly is the ultimate authority of the laws of this land. The Legislative Assembly has the authority to legislate something into existence or legislate it out of existence. And, Mr. Speaker, I want to say this (again, in all deference and respect to the government even in this election year): I say this under caution (because I don't want the government to look too good), they have never been irresponsible in these matters. So, for the National Trust to tattletale on us (as we used to say when I was growing up) to make us look bad, and to embarrass us at a time when we are already struggling with some international agencies, is grossly disappointing. We have never been unfair to the National Trust.

It is now difficult for me to negotiate with them in good faith. And I am going to give you an added reason why they have to impress me now so that I can really trust them.

Certainly, I have made my decision clearly and unequivocally. I love the National Trust and I respect it, but when it comes to a choice between the National Trust and my constituents, I am a politician. I am going with the people who voted for me. I would be stupid to do otherwise.

So, I want to say in all fairness that I believe a situation could have existed where the National Trust could have been satisfied with their position and the landowners could without threat feel that they retain their inalienable right to do with their property whatever their wishes were. But for the National Trust to purport to set themselves up like a cartel, to deliberately keep the values at a certain level so that they could buy it up, Mr. Speaker, I cannot—unless I have taken leave of my senses—support that position.

Now, yesterday afternoon we had a meeting. There were four of us—the mover, the First Elected Member for George, the First Elected Member for West Bay, two members of the National Trust, and I. We had informal discussions and they went well. I left at the conclusion of the meeting with the impression that we had satisfied ourselves as to our respective positions and had mutually agreed that everything was all right. Except, Mr. Speaker, when I came back from the luncheon suspension I received what I call a letter from the National Trust, which greatly surprised me. On the last paragraph of the first page, the National Trust says, **"If this motion seeks to control how and when the Trust can represent the views of its membership, then the question must be asked how do you reduce the freedoms of a representative organisation without reducing the freedoms of its members."**

Mr. Speaker, first of all, the motion is not seeking to limit or delimit how and when the Trust can represent the views of its membership. That is patently fallacious. I can only say that the author of this must not have read the

motion. But that is not the part that really punches my alarm button. The penultimate paragraph reads, **“In conclusion, to seek to review the law with intent of changing the role and function of the organisation would be to the discredit of those individuals who spent literally years carefully formulating the foundation of the organisation and the law.”**

Mr. Speaker, the Honourable Legislative Assembly is not seeking to do that. But that is the role, responsibility, and function of the Honourable Legislative Assembly if it desires so to do. That is what fifteen people were elected to do—just that.

So, is the National Trust saying that we should become so impotent that we cannot even re-craft, re-create, or repeal laws that we feel in the essence of the country are to be re-crafted, amended, or repealed? Certainly, Mr. Speaker, to do that is to question the essence of the Westminster style of democracy.

The National Trust should ask itself if its function was to so control and influence the price of land that those landowners who own that land can have land which is essentially worthless because the prices were manipulated by some other organisation purposely for their selfish aims and objectives. That is what the National Trust should ask itself. And, if that is the case, who is going to give the progeny of those landowners land on which to build their houses to farm and to develop as they see fit? So, it seems to me that the National Trust is wearing rose-tinted glasses

It goes on, **“To amend the role of the Trust would be a breach of faith and contrary to the spirit in which the Trust was set up originally.”** Again, that is an unfounded fear because no one purported to amend the role of the Trust. We recognise that the Trust has a role to play. And all of us here would like to see the Trust play its role. But there are those of us who are concerned that the Trust has taken on a sense of self-importance and has puffed itself up much like the frog in Aesop’s fable. Like the frog in Aesop’s fable, it better be careful that it does not burst!

Mr. Speaker, we believe that there is room for sensible co-existence. And we don’t think that there should be any greying of the area and any confrontation. But with all due respect, the legislators have to articulate their concerns when ambiguities and misinformation is put out.

Finally, **“It is our position that this portion of the motion should not be entertained or accepted.”** Well, Mr. Speaker, that is within the democratic right of the Trust to say.

**“Any review of the National Trust for the Cayman Islands’ laws should be at the request of the National Trust of the Cayman Islands.”** Mr. Speaker, I have to exercise my democratic right and differ with that. Any review of the National Trust for the Cayman Islands should come from the government or from the Legislative Assembly, from the backbench.

So, I hope that I have articulated my position with regard to this communiqué and with regard to the headlines in the papers of Friday, 9 June 2000, with respect to the National Trust. I shall continue to support the role

and function of the National Trust in the Caymanian society. But I cannot allow the National Trust to run roughshod over my constituents, or any Caymanians, by denying them and depriving them of their inalienable right to do with their lands what they think is in their best interest to do. We have not yet become any totalitarian society and land in the Cayman Islands still is the mother of all wealth. Mr. Speaker, there are those few Caymanians left of which the land is all the wealth they have.

I want to say before I sit down that, yes, there is a role for the National Trust to play. The National Trust has been in existence long enough to realise what that is, and they have been playing that role. Recently, it seems that the National Trust is becoming filled with its own self-importance and they cannot be allowed to win the trespass against the people who have ownership to these central wetlands. Clearly and unequivocally, these landowners must be able to do with their land what the law says their inalienable rights are. I have to side with them against any trespass on that inalienable right.

Mr. Speaker, as the seconder of the motion I am convinced of the rightness of the motion and the amendment. I am prepared to stand with landowners and give them my support just as I am prepared to allow the National Trust to continue its operation within sensible parameters. But I would add this footnote: that no law crafted in this Legislative Assembly is written in blood and cast in stone. All laws are subject to review from time—some, purely out of the age, others out of the practical necessities of operation.

So, the National Trust should not feel itself as untouchable. I don’t think that there are many laws and regulations that are that sacred and sacrosanct that they escape review from time to time. One of the roles and functions of the people’s representatives is to ensure that the laws are crafted and reviewed so that they serve the purpose of helping the people and allowing the society to function in such a way that emphasis on all elements benefit equally.

I hope that I have made my position clear and understandable. I hold no brief against the National Trust, but I have to rise to defend my constituents when certain trespasses are made on them because it must be remembered that there is mechanism for allowing them to come in here to speak for themselves. So, we—the persons whom they voted in—have to be their mouthpiece inside this hollowed and honourable chamber. I am happy to say once again that at this particular occasion there is no difference between my position and that position held by the government. I wish that were the occurrence more frequently, but politics being what it is I have to make the best of it when it occurs. Thank you.

**The Speaker:** The floor is opened to debate. Does any other member wish to speak? The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, sometimes in the debate it appeared as if we have two forces. On one side we have the landowners, and on the other side we have the National Trust. But my understanding of the National

Trust, their interest and their activities so far, is that it, being a democratically constituted organisation, represents or at least allows there to be represented the views of the general population with regard to issues for which the National Trust is charged—being there to preserve artefacts and other objects of historical, cultural, and environmental importance.

So, to give the impression somehow that the National Trust is a dictatorial organisation, or an organisation that has now assumed those properties, is the result of the fact that we live in a society where people prefer to criticise rather than to participate. It is only at the point of criticism that we become excited, because, obviously, if we have organisations that are open to the general public to become members and to activate their interests with regard to these issues for which the National Trust was set out, and people do not become active, obviously, it means at the end of the day that they will not be able to share their views with regard to these very important issues.

Representing the constituents of Bodden Town or North Side, and representing the interest of the people of the Cayman Islands, could at certain times become a slightly a different kettle of tea. I believe that since we are talking about the national interest in this Assembly—since this is a national assembly, it is not a regional government, it is a national government assembly—sometimes we have to be very careful to make sure that the views we are putting forward are the views of the majority. In fact, what we are suggesting to be done or not to be done will be for the general good.

I don't have a problem with this position because it is always my position as far as I am concerned. Of course, when the landowners or some representatives of the landowners had meetings here with members of the backbench I was not included in that meeting. I don't know for what reason I was not included, but I can say quite clearly that I am not included in a lot of things that people do around here. That might be also because everybody knows that I have my own point of view when it comes to most things and I insist upon the right of expressing that point of view.

Also, I must say that when the National Trust came here to speak to people, they did not speak to me. So, I have the good fortitude of not having had that lobbying (or whatever some persons want to call it) done to me. But listening to what the government has tried to do . . . the National Team has tried to get themselves out of very difficult situations. And the reason why is because they had proposals made to them all the way back to 1996.

If they had listened and had implemented them and taken them seriously we would not have this conflict that we have today. The landowners would not be saying that the National Trust is their natural enemy because the problems would have been solved according to the proposals that the National Trust had made to the government. We would not be in this situation. But this is always how things happen here. We always wait until there is a crisis, and then we all charge in taking sides

and we create perhaps at the end of the day more damage than we imagined.

I blame the government for this situation, Mr. Speaker. It would not have come to this point. The government used the Environmental Protection Fund, of course, and they could have put that to assist this. The government knew that the National Trust was leaning on them from 1996, and to do this politically correct would mean to compensate these people for their lands. They realised that it could have been zoned, and zoning would therefore have had that effect of devaluing the land thereby taking away the land from these people and depriving them—by way of zoning the land. And they tried to give the government the idea that this was not the correct way of doing so.

The National Trust cannot get up in the Legislative Assembly and defend itself, nor can the National Trust take a more political position in public, because then they would be criticised even more for taking a political position. But it is interesting that the government and the backbench seem to be agreeing to a certain extent with regard to the solution at the particular point because the solution is the same solution the National Trust was suggesting from 1996. These ideas did not come from no place.

I think that the fact that the government even brought in the environmental impact fund might have been an idea that they got from the National Trust.

So, I want to say that the National Trust is wanting to say that the law as it is now should not be amended without their recommendations or their being involved, or their suggesting that the law with regard to the National Trust should change. Now, I tend to agree with that. The reason why I tend to agree with that is that I don't want organisations to become the victims of legislators who feel that as soon as they have a problem or they don't like the way an organisation is behaving they run up in here and they make a law to impact the organisation. That is not fair. It is being suggested at a crisis time. It is being suggested at a time when people have come to a point to be frustrated with the National Trust and have come to a point to accept that the National Trust is the driving force behind this attempt to devalue the people's land in the wetlands—when, in fact, the government has only used the National Trust as a scapegoat!

So, the mere fact that we are going to now consider legislation that would so-call limit or curtail the power of the National Trust is what I am talking about. But the power of the National Trust is really having a lot to do with the fact that a lot of people that are members of the National Trust and that are leaders in the National Trust are very committed to the case. They try to influence people by using facts, by using persuasive arguments, by appealing to our national instincts I would say, to be a part of our environment and to be friendly to our environment and want to preserve our environment.

You cannot legislate that away. If somebody wants to counter what they are doing they can also form an organisation to do exactly that. When the landowners were invited to be on a committee, I thought that was at least a possibility for an exchange of information and for

people to come to some kind of understanding as to how best to compromise and preserve the situation so that everyone would have their interest protected as much as possible. Not that everyone would be attacked.

The National Trust has been doing good work in this country. There are people that have been doing good work. We see it all the time. So, they are not someone that you just come out and call names and try to ridicule because it won't work. There are people out there who seriously know that the National Trust has done very good and serious work.

Now, all I am saying is that I did not bite the bait from the very beginning by saying, 'let's blame the National Trust.' I always said, 'let's blame the government.' Let's deal with the Minister of Planning. Let's deal with the Minister of Environment whom the National Trust addressed in 1996 with regard to these proposals, part of which we are now using here today to compromise.

Now, this is where I find it a bit strange. Believe it or not, if we have a problem with the National Trust we can talk to them. If we look at the National Trust Law (1997 Revision), we don't see anything in here that prohibits the establishment of a democratic collective trust. In the Trust we have the possibility to have district committees and the law talks about the district committees and the input of the district committees; that the government is ably represented by the law on the Trust. There is no way that anybody can say that this is the law of a dictatorial organisation. This is as democratic as you can get.

Now, the Minister of Education said that what he would like to see changed would be the fact that the Trust can sell land. That was all that he really suggested, and I would tend to go along with him in that perhaps I might view that a little critical, the fact that they might be able to dispose of land. And if you had the wrong people in control that they might be able to dispose of very important lands before any reinforcement could get in.

But I would like to mention the fact that it says quite clearly how members are elected to the Trust. The law describes that and the pattern in this is no different than the pattern in other public organisations. Obviously, when some of the landowners led by Mr. Ezzard Miller went to the Trust meeting, they did not go along with what the law said. They might have felt that they were right in principle in exercising their rights to protect their property, but if they had been actively involved in the National Trust they would have had an input from the very beginning. But to go in there at that particular point in order to try to take it over at that particular time, I think that smacks more of dictatorial behaviour than what the Trust can be accused of having done.

So, we have to make sure that this motion is not only accepted by this House, but that this House also accepts the responsibility to try to defuse the bad blood that has been created. We cannot stand in here and say that this motion is acceptable to us knowing that the Trust did contribute to this motion happening. They might not have been the people who came here and brought it, because they are not legislators. But all you have to do is look in their submission to Government, in their proposal on 10 April 1996.

Maybe this should be tabled in this Legislative Assembly. I would like to table this.

**The Speaker:** So ordered.

**Dr. Frank McField:** It is just that I feel that sometimes I get up to bat and I don't know exactly where the ball is coming from and I don't know exactly where I want to bat it to. But I feel inclined somehow to say just from my gut that I do not believe in a particular kind of behaviour. I don't believe that the Trust needs any more whipping than I have seen it get in the press already, from certain persons on *Talk Today*.

I have been accused of doing nothing with regard to this particular question, but I believe that people do have a right to their land. I don't believe that Government has the right to take these people's land away from them. I suggest also that the fund be used to buy the land from those persons that want to sell the land. If people do not want to sell their land, then there is no way that we can force them to give it up.

We can still continue to show good faith to the landowners to convince them that the government or the Trust is not interested in taking away their land without due compensation. We can continue to see that studies are done to enable us to know exactly how important it is. I was just talking to someone today about the fact that my father, when he used to go into the North Sound, used to use dynamite to blow fish and we did not know any better. We felt that it was our right to use the dynamite, although it was probably illegal at that time. I know there were at least two families from George Town that continued to use the dynamite when they were under pressure to get fish to sell and to feed their families.

So, we understand all the time that our way of life is being impacted not just by the environment but also by legislation of Government. Government imposes its will on the people—it taxes people, it asks people to serve in armies, to give their lives to the state. But the environment is what God made, and it was here before, and it has a sense and a logic that most of us don't understand and none of us will ever understand fully what God has put together, the mechanism that sustains life. We never truly understand.

We as human beings create science, and science solves the problem only to create another problem. That is not the case in God's environment. So, when we come to the point where we no longer need to destroy something in order to survive, we become more civilised, we become more advanced. And I think that is the natural progression that any human community should go in.

So, I think it is an honourable task to be able to afford to cherish your environment. Just like it is an honourable task to be able to cherish your art, culture, heritage, and your artefacts. But if you want to save an old tin pot somebody used eighty years ago or one hundred years ago, and you want to save an old crowbar from the 1950s because you think that is important to posterity, what about the marine environment also?

We know that we as a country have become more and more important in preserving all the things around

us. But that has taken some time we have all learned. I don't believe the argument that landowners don't care about the environment. As a matter of fact, the mere fact that they own the land and that they have continued to own the land over generations shows their relation to the land and shows they care for the land. I would just like us to assist them in being able to preserve the land for themselves and their children, and the children of the people of the Cayman Islands as well. I believe that this can be achieved if the National Trust is respected and given credit for what it has done so far.

I would also like to mention before I finish that I have respect for the people of the cloth—the ministers, pastors—but the three that I have greatest respect for are my Brother George, Brother Al (who married me), and Brother Alson—those three Caymanians—because they gave up material things that they could have gotten and they decided to serve the community on a spiritual level, a much higher level than a material level.

If we believe that the spiritual is more important and higher than the material . . . that they serve the community in this way and you find somebody taking a job to be chairman of the National Trust because it is so hard sometimes to get people to come and be members of organisations, then we cannot sit by and allow that person to become the political target for those persons who want to just shoot away for elections or whatever it is. I am not going to necessarily say who it is, but I think that everybody knows who it is. And I am not saying that it is the Elected Member from North Side because I have never heard her say that.

I am sorry, Mr. Speaker, I am getting all these things confused today. I would just like to conclude with that because I don't think I can offer anything more with regard to the technicalities and legalities of this motion. I think it was a good compromise that the government made. I think it was a good motion that was brought here, and I am happy that at last we are able to come to some kind of conclusion that will give both parties involved in this conflict a possibility to all have an honourable conclusion. Thank you.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I hope I can be brief on this. I support the motion. But there are concerns in the memorandum that I received from the Executive Director.

The Trust has every right to be upset about the spending of the environmental funds. We, the backbenchers in this House, fought that issue very hard. The government paid us no mind and we said at that time that those funds should not be used to balance the recurrent expenditure—wasteful, extravagant expenditure by the present government. So, the Trust has every right to be upset. I am upset and other members have been upset about it.

I do not believe that the Trust should be spending the kind of energy they have spent, the time and money, on matters that I believe should be left to the Planning Department in this country. If they don't like the policy,

they can do as I am trying to do, that is, to remove the Minister from setting the policy. That is what they should do. The National Trust is not the Planning Department. It was not set up for that purpose. It cannot set policy on any matter. That is for the Planning Department when it comes to planning and development.

Mr. Speaker, in the memorandum it says, **“To review the law with the intent of changing the role and function of the organisation would be to the discredit of those individuals who spent literally years carefully formulating the foundation of the organisation and the law. Those individuals and the government recognise the need for the National Trust with its purposes and powers. They strongly believe that a National Trust for the Cayman Islands should exist and that it should serve a role independent from government.”**

**“To amend the role of the Trust would be breach of faith and contrary to the spirit in which the Trust was set up originally.”** There is a lot of merit in what they are saying. I agree with this.

I was part of the House in 1987 that supported the law, and I know you were also, Mr. Speaker, a member at that time. I do recall the debate on that law and the purposes and some of the things told to us that it would be doing. It has never done. That is a fact and it is recorded in the *Hansards*. Unfortunately, Mr. Speaker, one of the members then is today a member criticising the National Trust when actually he set up, or assisted to set it up at that time. They would not even counter an amendment for the coming into force to make it effective because after the elections in 1988 they went ahead.

The National Trust Law is good. It must continue to be independent of government, certainly. But where it fails to be balanced and becomes obstructive or disagrees with the policy of government who funds it, then there must be room for dialogue. That is what I believe, Mr. Speaker.

Where the National Trust disagrees with government, there should be room for dialogue. What I would like to see is for the National Trust to be consistent and fair. It cannot ignore what one person does and spend enormous amounts of money, time, and energy on what somebody else is doing when both are doing the same thing. I would like to see some balance here, some consistency and fairness.

My support for the Trust has always been there, as much as I could give. I don't know whether my membership is current at the time, but I know I have been a member. I did try to attend a meeting one time and they told me that my membership was not current and I could not attend the meeting. I would have thought that after sending you an invitation to come to the meeting that they would allow you to come anyway, whether or not you were current.

Anyway, when an organisation that is funded by government gets to the point that we are having this kind of disagreement, it is time that the two sit down together and work it out. I believe government has to do that with the Chamber of Commerce, the Condominium Association, and other organisations. Government cannot ignore

the Trust and the Trust cannot ignore government. I believe too much of that has gone on. That is not good for the country.

Mr. Speaker, in regard to the ongoing matter of the landowners of the central wetlands versus the National Trust, I am not in favour with the obstruction of the rights of any landowner in this country. If a person has property passed on by his forefathers and has been in his families for generations, or if a person has just bought a piece of land, whatever, that belongs to him.

We talk about international conventions and international agreements that the Cayman Islands is party to. Well, we should check to see which one is protecting the rights of people who own things like property where government or any organisation can walk in and obstruct them from what is rightfully theirs.

Now, when I say obstruction, whether it be by words or whatever, I believe what is happening is obstruction. If any organisation wants to protect that property for the national good (as they say) then it must be done in the right way. Government cannot just regulate, put in a zone on property in a manner that it becomes unsuitable or unusable by the owners without proper discussion and proper compensation for all around. What is theirs is theirs. That cannot be changed. And I believe what is needed in this whole matter is a serious balance, a compromise.

Mr. Speaker, wars have been started because of land disputes. This situation is doing the country hardly any good. Much time and energy is being put on this matter and it should be settled in a more amicable manner.

I, too, Mr. Speaker, have much respect for the chairman of the Trust, Pastor Alson, as I call him. He is a person that I have always had tremendous respect for. He is a man of God, and one who is genuine. He doesn't talk about it but he lives the life. That's what I appreciate about him. I don't think that anyone can say that he is a hypocrite in any sense, shape, or form.

Mr. Speaker, he is not just a preacher, but he is a well-educated man too in his own right. I have much confidence in him. What I believe happens is that there are other factions getting in for their own purposes and that changes the course of events sometimes.

As I said, there must be a balance. The Trust must realise that. It cannot be one sided. It has done some good work over the time that it has been in operation. It has a good education programme and it has raised the awareness of people about what is good for us and not good for us in terms of the environment—our marine life and so on. Not that I believe that all the information that they give is correct, I don't believe that, but I do know that since coming into operation there is more awareness and that is good.

I believe the Trust has been negligent in not protecting national monuments. That is one thing I think has been lacking, and I told them that yesterday afternoon.

When the Trust was set up (and I believe this is recorded in the *Hansards*), it was set up so that it could get funds to help in purchasing monuments and properties. And, of course, there has to be a right channel for all of

that. I believe that we were told that we would even get funds from overseas. I don't know how much of that has happened, but I wish to God that would be the direction that they would continue in.

Countries need an organisation like the National Trust. As much as I sometimes take a beating from them, an organisation like the National Trust is good for the Cayman Islands. Let it work with the government and let the government get in a position where they are not ignoring the National Trust and the National Trust is ignoring them. That is not helping anyone. And, again I will be very political and say a good job for them is that they should remove the Minister that would not agree with them if they don't like him.

**The Speaker:** Does any other member wish to speak?

If no other member wishes to speak, would the honourable mover wish to exercise her right of reply? The Elected Member for North Side.

**Mrs. Edna Moyle:** I would like to start my winding-up, which will be extremely brief, by thanking the government for accepting this motion and for their amendment, putting in place legislation for this Environmental Protection Fund.

You know, Mr. Speaker, I could stand here and I could knock the government for the Environmental Protection Fund, but that is not what this motion is all about. I brought this motion so that we could get some conclusion to for this matter between the landowners and the National Trust. I think it was the Honourable Jim Bodden who said one time that only a dead man and a fool could not admit that a mistake was made.

Mr. Speaker, to now put the Environmental Protection Fund under legislation to be used for what it was set up for, I say this is a move in the right direction.

Much has been said about . . . not that we have presented here that we are against the National Trust but I have gathered from remarks made. I would like to make it very clear, neither the seconder nor I are against the National Trust. But it would be highly unfair for us as representatives of the people to come here and give the National Trust the right to do whatever they want to do and to ignore the concerns of the people of the Cayman Islands.

Mr. Speaker, we brought this motion hoping that we could get some conclusion to this matter whereby both parties can be happy.

Much was said about Pastor Alson, and I want to make it very clear that neither the seconder of this motion nor I have ever had anything bad to say about Pastor Alson. His good character speaks for itself and that was not the aim of this motion. Maybe there are people on the outside who are saying things about his character or his dedication in his field, but it certainly is not connected to the seconder or me. I would go a little bit further to say that I don't think there is anyone on the government bench or anyone sitting on the backbench in this Parliament who would stoop to disgrace the character of one of our good citizens.

So, Mr. Speaker, with those few brief remarks I would like to thank all those persons who spoke and have accepted this motion, and the government. Now, let us move forward to put in place immediately, as quickly as the government can the necessary legislation for the Environment Protection Fund so that discussions can now take place with those landowners down the road who may wish to sell.

We would like to make it very clear to the National Trust, as we did yesterday evening, it is not the intention of this motion asking for a review of the National Trust Law to tie the hands of the National Trust. We made that very clear, and I would like to emphasise it once again. Mr. Speaker, any law that is set up by this Parliament after a certain amount of years there is a need for review. But that review that we are asking for has nothing to do with stifling the National Trust in what they are doing. We want to look at it and we want to make it a balanced legislation. Let it be fair to all concerned.

The National Trust, as we have said with input from members of the public, will have their opportunity to have input into this review. So, they can rest assured that it is not the intention of this motion to destroy, stifle, or tie the hands of the National Trust.

So, I would like to thank all Honourable members once again for supporting this motion and I look forward to working with the government to set up proper legislation for the Environmental Protection Fund and meeting to review the National Trust Law. Thank you very much.

**The Speaker:** I shall now put the question on Private Member's Motion NO. 15/2000 as amended. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: PRIVATE MEMBER'S MOTION NO. 15/2000 AS AMENDED PASSED.**

**The Speaker:** I think this would be an appropriate time to take the afternoon break. We shall suspend for fifteen minutes.

**PROCEEDINGS SUSPENDED AT 3.41 PM**

**PROCEEDINGS RESUMED AT 4.04 PM**

**The Speaker:** Please be seated. Proceedings are resumed. Private Member's Motion No. 16/2000, Equal Rights for Illegitimate Children and Parents of Illegitimate Children, to be moved by the Third Elected Member for Bodden Town.

**PRIVATE MEMBER'S MOTION NO. 16/00**

**RIGHTS FOR ILLEGITIMATE CHILDREN  
AND PARENTS OF ILLEGITIMATE CHILDREN**

**Withdrawn**

**Mr. Roy Bodden:** I rise to seek the indulgence of the Honourable House and the Chair to withdraw this motion at this time on the grounds that in consultation with the seconder and other honourable members on the back-bench, we would need to do much more research. I had not realised that the motion was not without some concern, and I was reminded by the Honourable seconder that the last time when we originally brought the motion the government members themselves intimated to us that they had some concerns and indeed had prepared an amendment.

In light of these circumstances I seek the permission of the Chair and the indulgence of other honourable members to withdraw the motion at this time in order to complete the research and bring the motion back in the September sitting.

**The Speaker:** Do we have a seconder to that motion?  
The Elected Member for North Side.

**Mrs. Edna Moyle:** I beg to second the motion.

**The Speaker:** In accordance with Standing Order 24(14), which reads, "**A motion my be withdrawn with the leave of the House; but if so withdrawn it may be made again at another meeting of the House, after notice has been given as required by paragraph (5).**" I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The motion has been withdrawn.

**AGREED: PRIVATE MEMBER'S MOTION NO. 16/2000 WITHDRAWN.**

**The Speaker:** Moving on to Private Member's Motion No. 14/2000, Public Education System to be moved by the First Elected Member for George Town.

**PRIVATE MEMBER'S MOTION NO. 14/00**

**PUBLIC EDUCATION SYSTEM**

**Mr. D. Kurt Tibbetts:** I wish to move Private Member's Motion No. 14/2000, entitled Public Education System, which reads:

**"WHEREAS in any rapidly developing country the level and diversity of education offered by the public system is of vital importance;**

**"AND WHEREAS it appears that the educational demands created by the rapid economic development in the Cayman Islands are not being adequately met by the present system;**

**"BE IT THEREFORE RESOLVED that the Minister of Education, acting under his constitutional responsibility to deliver policy in the area of education,**



**set out a properly prioritised plan, including costs and specific timing of implementation to address the present needs in the public education system.”**

**The Speaker:** Do we have a seconder?

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I beg to second the motion.

**The Speaker:** Private Member's Motion No. 14/2000 has been duly moved and seconded. Does the mover wish to speak to it? The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** This motion is a follow-up to a motion that was brought in 1998. It comes to the floor of this House because of a continuing concern that many of us have with the educational system in this country and the problems that continually seem to arise.

Now, before I go into the specifics of the motion, I want to take a minute to set the stage by explaining my opinions with regard to the wider ramifications in society as a result of problems that now exist in our public education system. In my view, the system has some cracks in it and too many of our young people going through the system are falling through those cracks.

Years ago we did not notice it anywhere near as much because the numbers were not to the level that they are today. In the past ten years (perhaps to use a figure), there has been a tremendous population increase in the country. The number of students going through our public education system has continued to rise and the number who have fallen through the cracks I am talking about also continues to rise proportionately to say the least.

Mr. Speaker, for many years, by my own experiences interacting with people of all levels, I have seen and witnessed these young people falling through the cracks. The system for what it is today is not one that I wish to criticise in this motion, because normally the way these things work, once we have a Minister who is in charge of education and you have a private member's motion talking about it, you simply have one side of the coin coming forth and then the minister is apt to simply defend what is there and it ends there.

At the end of this motion to I would like to see if we can at least head in a direction where we are going to see some results. I am going to point out as best as I can the areas that I see, and I am certain other members will have their own comments where problems are.

Mr. Speaker, I remember making a statement in here that the vast majority of problems especially the social problems that we find multiplying in the country today and causing much alarm in the wider society as a direct result of problems within the education system. The minister took personal offence to that and said that was the wildest statement he had ever heard. Perhaps that was simply an automatic answer in defence of himself, interpreting the statement to mean that it was being aimed at him for his lack of due diligence. That was not the intention, but if it got his eyebrows raised then it

served its purpose because I meant it then and I mean it today.

Mr. Speaker, here is what is happening in our society. Anyone can look at it and see that there is truth in what I am saying. We have an educational system which until yesterday was boasted about when it came to the results of our external examinations which are now mainly constituted of the CXC examinations. It is touted that the Cayman Islands for years now has had the best results in the CXC in the Caribbean. That would be percentage wise, I guess, with the number of students taking the exams and the results forthcoming.

But while that is wonderful, this society today is not completely made up of students who take external examinations and who pass those external examinations. And whether we like it or not that cannot be the only focus of a system. Now, I would be extremely happy, I would be ecstatic if that was the case, but it is not the case. Mr. Speaker, I don't have to contend . . . or I don't have to use the terms of a lawyer to say "I submit"—I don't have to submit anything because that is a fact. So, what we have to do is to use a round figure.

In our public education, for instance, we may have 300 students who reach year 12 and we have a certain percentage who take the external examinations and we get good results from those examinations. Later on in the debate, I am going to dissect the levels of the examination. But I am not going to do that now because you have various levels of those examinations—you have those who take it at one level and those who take it at another level. You have those who don't complete year 12. You have those who, for a myriad of reasons, don't actually graduate. Mr. Speaker, what you end up with in the whole affair is every year there is a certain number of those students who leave the gates of our public education system either prematurely or at the end of their tenure with nowhere to go.

Now, who do we want to point figures at to say is the cause of that? I am not getting into that right now. I am just establishing certain facts.

We end up with a society that is growing with labour demands that continues to grow, and as time has gone on the labour demands, that is, the demands for human capital in the society have diversified. But our system has not diversified to produce those bodies to meet those labour demands. I want to explain that so that I don't see a whole pile of pen and paper, because they might think that I don't understand what I am saying.

I am not suggesting that the natural population growth in this country matches the demands for labour. What I am saying is the natural growth that the country has experienced and the numbers of bodies that we have produced, our system has not taken those bodies and run them through that system allowing them at the end of the day to go out into the workforce (those who don't choose to go on to tertiary education) and get to the level of earning power where the society retains stability. That is what I am saying—look at the society.

Mr. Speaker, if you look at the earning power of the people in this country . . . I don't have statistics, but I can say what I am saying and make my point without having

to get to specific statistics. If we look at what is termed the middle class in our society, I am going to tell you exactly how it is. The majority of the people in our society today, what we call middle class citizens, are an imported middle class. There is nothing wrong with them. Many of them are my friends and many of them are friends of all of us in here, good people.

But those people find jobs in these islands because of the demands and because they have skills. I am not talking about managing directors, doctors, lawyers; I am talking about professionals who have skills or trades—the auto mechanic, the plumber, the electrician, the air conditioning technician, those kinds of people. I don't have to go into any more . . . that level of individual in this country.

Simply because of the tremendous growth in this country that demand has increased—the people who are entrepreneurs, the people who run businesses, the aspiring Caymanian who wants to operate or start a business, his first thing is where can he get a work permit approved from, which country, or who he can get because it is not easy to find Caymanians.

Now, the simple answer that one could give is that we don't have enough bodies to fill these jobs so the Caymanians are all employed. They can answer that easily, but why then do we have this constant cry about foreigners taking away their jobs? I am going to explain why, in my view. It is because those numbers who have fallen through those cracks multiply faster than the rest of us. It is a simple fact. That is where the single-family homes continue to multiply. That is where the crime stems from.

I am not making any political speech here. I know many of those people and they are not basically bad people—they are simply people with no hope. That is what they are. Here I am, an ordinary person who loves people, who wants to help, and by the time I talk to some of them that have gone through the system, at end of the road there's nothing to do.

*'Can't you help me to get a job?'*

*'What skills do you have?'*

*'I have none.'*

Mr. Speaker, the hard fact is that some of them cannot even sign their names—and they went through the system! Now, you might want to say, *'well, that is but the odd one'*. I will tell you, whether it is odds or evens, they are multiplying to where they are the single most serious threat to the stability of this country and its future. That is where it is at today.

You would want to pretend and say that it is not so, they either fool themselves or they don't have enough sense to understand the truth. Mr. Speaker, it is a simple philosophy. If we know what the greatest threat to our society is and we refuse to take the time out to arrest that threat, then we have no regard for the future of our society. I don't know about anybody else, but I cannot pick up my mango trees out of Northward and carry them somewhere else, and I am not going anywhere else because I am not leaving them. Simple as that!

That may sound funny but I said it to lighten the moment. But this is a serious thing.

Now, they can get fancy and they can write all kinds of reports. They can do all kinds of studies . . . I don't have all of the answers to the problems, but I will tell you I know what those problems are. The fact is, the vast majority of the society knows what those problems are. We cannot say that it is okay. I will tell you we cannot say it is okay—because the problem is not getting less, it is escalating. If only by my encounters with people, I can afford to say that and know that I am telling the truth.

It has to be obvious, Mr. Speaker, because every year you have this set of people who go through the system. You take Government, for instance, and you have this constant problem with trying to balance sustainable development with the environment (like the motion that just went on about the National Trust and the landowners), and you want to make sure that you continue the economy at a certain rate so that the school-leavers can filter out into the workforce and find jobs.

Mr. Speaker, we keep putting the tablecloth on the table saying that we are laying the table, but we are not looking underneath the table for the wood lice that are eating away the legs and the whole thing will soon fall down. What good is a tablecloth then? Now, I don't want for this to sound like it is too far away the motion itself because it is directly because of this why the motion is on the floor of the House—we need to do something.

Mr. Speaker, this society which boasts of being multinational and everything like that has some problems, and the sooner we specifically identify those problems (which are the problems that I am talking about now) and accept them for exactly what they are, the better off we are going to be. Let me tell you what has been happening in my view. And I say this with total sincerity.

From the first day I sat in this chair, we have gotten into these arguments . . . and it is not today that I have been talking about this. And I am not trying to say that I am the greatest messenger in the world and nobody else understands that I am the only one—not for a minute. There are people in here who could say what I am saying in a much more acceptable fashion. But that is okay, I know what I am and I use what I am to the best of my ability.

From the day I got here, we have been talking about these problems. When we talk about the prison, it comes back to the same problem I am talking about now. When we talk about the crime statistics, it comes back to the same problem I am talking about now. When we talk about being afraid to allow our 16-year old daughters to go to the cinema by themselves, it comes back to what I am talking about now. We have to understand that.

#### **MOMENT OF INTERRUPTION—4.30 PM**

**The Speaker:** We have reached the hour of 4.30 p.m. I would entertain a motion for the adjournment of this Honourable House.

#### **ADJOURNMENT**

**Hon. Truman M. Boddén:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 a.m. tomorrow.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 a.m. tomorrow.

I had given permission to the Third Elected Member for West Bay to make an explanation.

## RAISING OF PUBLIC MATTER

Standing Order 11(6)

### GOVERNMENT SCHOLARSHIP GRANTS

**Mr. John D. Jefferson, Jr.:** Thanks for giving me permission under Standing Order 11(4), (5) and (6) to make the following statement on a very current and important issue, that is, the grant of government scholarships.

It has come to my attention recently by a number of parents who have applied for grant of a government scholarship for their children that the scholarships have been approved under the condition that the student attend the Community College for the first two years of study. This decision has caused a great deal of hardship and difficulty for a number of students who have received admission at highly recognised colleges and universities overseas, and were making plans to start their bid for higher education elsewhere in the fall of this year.

Many of these students have also received financial assistance, or partial scholarships, from these institutions because of their high academic achievements. It was wrong for the Education Council to make such a blanket condition for all government scholarships, not taking into account that the courses for some majors are not presently offered by the Community College.

It is also wrong for the Education Council to assume that all students do not start their majors before the third year of study. And to require all students to attend the Community College for the first two years would place some students at a tremendous disadvantage when they transfer overseas for the last two years of study. It would mean in these cases that the students would not finish their degree in four years.

It was mentioned previously by the Minister of Education that the reason for the change in policy was an attempt to save some money and to be able to assist more students with scholarships. This reasoning is hard to accept when recently an agreement was signed by the Community College with the University of Miami to provide a teacher training programme.

First of all, the University of Miami is not known as a school for education and, second, the University of Miami is one of the most expensive universities in the United States.

In light of the fact that we have on the books of this country probably 16,000 to 17,000 people on work permits, it is hard to understand why efforts are being made to discourage and frustrate our young Caymanians who have the ability and the desire to further their education on a government scholarship overseas.

I must say that I fully support the Community College, and I have no problem with making scholarships available to Caymanians who want to further their education by attending this local institution. However, it is wrong to discourage a young person who has a desire and the ability to go overseas to further his or her education.

Just being away from the islands is an education in itself. Some students will not be able to further their education without the assistance from government and will not go to college because they have decided that they do not want to attend the Community College.

I believe that it is also wrong to have advised students so late in the school year that a condition of their government scholarship is that they attend the Community College. Due to the limited timeframe, some parents will be unable to arrange alternative financing for their child's education.

I am trusting that the minister will call a meeting of the Education Council with a view of reconsidering their decision of requiring all students who apply for a government scholarship overseas to attend the Community College.

Mr. Speaker, if the Minister and the Education Council fail to address this very serious situation, I pledge to address the matter of government scholarships through a private member's motion, or during the next sitting of the Finance Committee, where I will recommend that the Legislative Assembly or the Finance Committee set the conditions for the grant of government scholarships.

I trust that the Minister of Education will give this matter the urgency it demands and advise all honourable members in due course of the action taken by the Ministry of Education and the Education Council to address this very serious matter.

Thank you, Mr. Speaker.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** Scholarships in relation to the local colleges, which are the Community College and the International College of the Cayman Islands and the Cayman Islands Law School, were brought within the realm of scholarships by a two-year scholarship to these institutions in subjects in which they could transfer to a competitive university, or in accordance with the Baron's Guide. The reason on this was several fold.

First, it was felt by the Education Council that many of our students had done much better when they have established a firm academic foundation in a familiar setting. This often offers them the opportunity to mature and to rise to even greater heights.

It also offers flexibility to those students who are unable or unwilling to take up full study abroad such as mature students or students who are with families. It allows them to complete half of their undergraduate programme in the Cayman Islands.

The third reason was that the policy of scholarships for two years to the Community College, ICCI or the Law

School, was one which supported the further development of those three educational institutions. And, lastly, the local scholarships allowed the Education Council much more flexibility with actually granting Masters Degrees abroad. Under that aspect the local scholarship, because the student is still at home, is one which costs the government and the public \$2,500 a year compared to \$17,000 for doing those same courses overseas.

Now, where a student was not able to transfer the credits and grades that they achieved here in the first two years . . . this happened in some areas where the local institutions could not offer the necessary courses in the Cayman Islands, such as in the area of engineering and similar areas. Then those students would be granted the scholarship for the full years to be done overseas up to C\$17,000 a year. Other areas were architecture and in relation to some of the sciences.

So, the rationale behind this . . . and if I recall this correctly this was questioned in the Finance Committee and, at least I was of the view that the majority of members here supported the local scholarships where they could be given and that the scholarships abroad would be given where they could not be dealt with locally.

Mr. Speaker, reference was also made to the University of Miami an arrangement that has been reached for teachers training. I think it is a feature in the cap of the Community College that this university would accept two years of study towards a BSc in Education locally. The University of Miami is a highly competitive university. In other words, it is one of the top universities in the United States, and I believe that with our stress on teacher training and the stress of this honourable House to ensure that we have more Caymanian teachers in the education system, then this will fill that role.

It is an expensive university, and there can be no doubt that the honourable member is right in relation to that. But to have the acceptance by a university in the top bracket in the United States, a highly competitive university such as the University of Miami, bears out the fact of the standards reached in this country by the three local colleges.

Now, Mr. Speaker, I realise and obviously I accept responsibility for the Education Council, of which I am chairman. What I will undertake to do in light of what has been raised by the honourable member is to take this issue back to the Education Council as he has requested. A meeting has been set for next Tuesday, June 20<sup>th</sup> to have a look at the areas where there has been dissatisfaction with the local scholarships.

The four reasons that I set out where local scholarships can be granted and can be effectively carried out locally, that is, the students will be able to transfer to good universities in the United States or elsewhere, then it seems to make good sense to have local scholarships here.

Mr. Speaker, I can say that the Community College Associate Degree is accepted in many universities in the United States and also by many of the English universities. In fact, in England we have fifteen universities that accept the Community College's Associate Degree. There are highly competitive universities in the United

States beyond the University of Miami, such as the University of Tennessee, that accept these credits. Others are Stetson University, which I know is a good university and the University of South Florida.

I think in light of the concern that has been raised, I will take this back to the Education Council who has the power to grant scholarships by law, and ask them to review this policy. Hopefully there can be a common meeting of the different views on this to find a solution. Thank you.

**Mr. W. McKeeva Bush:** Mr. Speaker, I wonder if you would allow a question to the Minister?

**The Speaker:** A brief question.

**Mr. W. McKeeva Bush:** The Minister has said where scholarships could not be given locally then they would get a scholarship for overseas. I don't believe that a degree in medicine or behavioural science is offered locally, and I am wondering whether he could check why people have been refused for those two degrees. Why isn't the Council granting scholarships for such degrees?

I know this to be a fact because I have had complaints and I have files here on the matter. There is some difference in what he has said. So, if he could check into that I would appreciate it.

**Hon. Truman M. Boddin:** Mr. Speaker, by all means I will check into this. Unfortunately, I was not at the meeting when the scholarships were dealt with. But I still have responsibility, let me say that. I don't remember these, and I say that just for that reason. If two years of the degree cannot be done here and the other two years transferred to another college or university abroad for which we will give the two year scholarship in any event then the full four years will be given to go abroad.

I will check on those and let the honourable member know.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I thank the minister for that, but children who could end up with teaching degrees are being told that they cannot get scholarships. Well, that is a fact. You really have to see what is happening there.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the honourable minister could say what part the SAT results play in children being given scholarships to overseas universities?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddin:** Mr. Speaker, [a score of] 950 is the requirement.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I have a suggestion for the Minister. That is, when he goes back to the Education Council, I think the right approach would be . . . and I support the Community College 100 percent. I think there should be a distinction between a student applying for a local scholarship to attend the Community College and a government scholarship to attend an overseas college or university. I think that is where the problem is.

Mr. Speaker, the other question I have is whether or not government considers the granting of scholarships to other community colleges be it locally . . . well, ICCI is not a community college, that is a university or a college. Does Government consider granting scholarships to any other community college other than the Community College of the Cayman Islands?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, we grant local scholarships to ICCI and the local community college and to the Cayman Islands Law School. What perhaps would be good if I could ask the honourable member . . . is he saying that where students can do the first two years locally that they should be granted a scholarship to go abroad in any event if they wish? I guess that is what I need to get clear.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Most definitely. If that young person has the desire and the ability to go overseas then all power to him or her. What I am saying is that it should not be a condition of the granting of any government scholarship to attend the Community College here for the first two years. That is my position, Mr. Speaker.

**The Speaker:** The Third Elected Member for Bodden Town.

#### POINT OF PROCEDURE

**Mr. Roy Bodden:** Mr. Speaker, on a point of procedure.

It was my understanding when we discussed the conduct of business for this sitting that after we resumed on Monday, from this time hence we would be proceeding until 6.00 p.m. in an effort to dispatch the business on the Order Paper.

Now, I have been completely taken by surprise with the regular adjournment. I understand that we could not assume this practice on the first day out of respect and prior notice to the office staff and the Clerk. We would have to give them at least one day's notice.

I was under the impression that beginning from Wednesday that we would have done this and it is now Thursday. I have to admit that I have a vested interest because I will be off the island beginning Saturday on official business, and I have a distinct interest in the motion being debated now.

It seems in this election year, much to my disappointment, that I am going to be unable to make my con-

tribution in a debate whose subject is dear to my heart through no fault of my own.

I would wish for some guidance and clarification as to this sudden change in what we had mooted was going to be our practice in order to deal diligently with the business at hand.

**The Speaker:** You will remember that I clearly said that I was available to go to any hour. The Chair was prepared, but I asked for 24 hours notice for the Legislative Department to be notified.

As of now, I have not received notice of extended time. But I am in the hands of the House whatever they wish.

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I just want to say that was my understanding as well, and I thought that we would be going on this afternoon as well. I had prepared for it.

**The Speaker:** As I said, I have not been notified.  
The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** May I now ask what is the disposition of honourable members? I mean, it is rather late, and I would not expect anyone to do so at this time today, but what is the disposition of honourable members tomorrow?

I mean we have to be realistic. I know that I am not that far gone that that was a figment of my imagination. Can I then assume that honourable members will be so disposed to work a little later tomorrow evening? I am quite serious.

I regret leaving the jurisdiction without contributing to this debate which I am so interested in and which I deem so important to the development of this country. Can I then get an undertaking from honourable members that they will work late, at least until 6.00 p.m. tomorrow? which seems a reasonable time to adjourn.

**The Speaker:** I am in the hands of the members. Who will agree to continue proceedings until 6.00 p.m. tomorrow? Those in favour please say Aye. Those against No.

**Hon. Thomas C. Jefferson:** Mr. Speaker, I thought there was a Central Planning Authority tomorrow.

**The Speaker:** There is, starting at 5.00 p.m.

**Mr. W. McKeeva Bush:** Mr. Speaker, I am going to have to ask for a deferral of that meeting as Chairman. If it goes ahead, well so be it, but I have a funeral to attend as my grandaunt has passed away.

**The Speaker:** We will have to discuss that, as I think invitations have gone. It is clear that the Noes had that vote so apparently it is not the wish of the House that we continue beyond 4.30 p.m. tomorrow.

**Mr. Roy Bodden:** I never heard any Noes, Mr. Speaker!

**The Speaker:** Let's do it once again.  
The Honourable Minister for Tourism, Commerce,  
Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, I am basically saying that I am unable to go until 6.00 p.m. tomorrow because I have a commitment that I have been planning for months with the Aviation Week.

**The Speaker:** Let me put it this way, Those in favour of adjourning at 4.30 tomorrow afternoon please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.  
Those who want to go on beyond 4.30 p.m.?

**Mr. W. McKeeva Bush:** Mr. Speaker, it seems that some members might have to go, but, certainly, not all members have to go. So, Mr. Speaker, please take a division.

**Mr. Linford A. Pierson:** Mr. Speaker, I believe it would clear the matter up if we had a division.

**The Speaker:** Madam Clerk, please call a division.  
Those in favour of going only until 4.30 p.m. was the question.  
Will somebody move a motion that we continue until 6.00 p.m. or 4.30 p.m. whatever you want?  
The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I move that the House continues tomorrow afternoon until 6.00 p.m.

**The Speaker:** Do we have a seconder?

**Mrs. Edna Moyle:** I would like to second the motion.

**The Speaker:** The motion has been made and seconded that the House continues until 6.00 p.m. tomorrow. Those in favour please say Aye. Those against No.

**AYES**

**The Speaker:** The Ayes have it.

**Mr. W. McKeeva Bush:** Can I have a division, Mr. Speaker?

**The Speaker:** Certainly. Madam Clerk, please call a division.

**The Clerk:**

**DIVISION NO. 7/2000**

**AYES: 7**

Mr. W. McKeeva Bush  
Mr. John D. Jefferson, Jr.  
Mr. D. Kurt Tibbetts

**NOES: 6**

Hon. Donovan Ebanks  
Hon. George A. McCarthy  
Hon. Truman M. Bodden

Mr. Linford A. Pierson  
Miss Heather Bodden  
Mr. Roy Bodden  
Miss Edna Moyle

Hon. Thomas C. Jefferson  
Hon. Anthony S. Eden  
Hon. J. O'Connor-Connolly

**ABSENT: 4**

Hon. David F. Ballantyne  
Hon. John B. McLean  
Mr. D. Dalmain Ebanks  
Dr. Frank McField

**The Clerk:** Seven Ayes, six Noes.

**The Speaker:** The result of the division: seven Ayes, six Noes. The House will continue until 6.00 p.m.

**AGREED BY MAJORITY: HOUSE TO CONTINUE UNTIL 6.00 PM ON FRIDAY.**

**The Speaker:** I shall now put the question that this House do now adjourn until 10.00 a.m. tomorrow. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 5.06 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 16 JUNE 2000.**

**EDITED  
FRIDAY  
16 JUNE 2000  
10.33 AM**

*[Prayers read by the Third Elected Member for Bodden Town]*

**The Speaker:** Please be seated. The Legislative Assembly is in Session. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have apologies for late attendance from the Honourable Third Official Member and from the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation. I have received apologies for absence from the Fourth Elected Member for West Bay who has been hospitalised overseas.

Item 3, Questions to Honourable Members/Ministers. Deferred Question 2 is standing in the name of the Second Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**DEFERRED QUESTION 2**

**No. 2: Miss Heather D. Bodden** asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning what consideration is being given to the additional classrooms needed at the Bodden Town Primary School for the new school year.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Discussions with the PTA as well as the group dealing with the building have determined that no classrooms will be ready for the new school year at the Bodden Town Primary School. A site development plan is being completed for Bodden Town Primary that will include the addition of four classrooms in the near future.

**SUPPLEMENTARY**

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** I noticed that on my desk this morning there was a letter from the President, Mr.

Charles Clifford, in regard to a meeting set up for next week Tuesday. It says that the Minister of Education has graciously agreed to attend. I think at that meeting everything should be sorted out, and I thank him.

**The Speaker:** Are there any further supplementaries? If not, we move on to deferred question 3, standing in the name of the Second Elected Member for Bodden Town.

**DEFERRED QUESTION 3**

**No. 3: Miss Heather D. Bodden** asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning how many teachers and teachers' aides are now employed at the Savannah Primary School.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** There is one non-teaching principal; 13 teachers; one teachers' aide and seven support assistants employed at the Savannah Primary School. In addition, the school receives assistance from support staff members in the areas of music, physical education, English as a second language, learning behaviour disorder, computer, speech, and language and special assistance in pottery and ceramics.

**SUPPLEMENTARIES**

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** I guess everyone is able to see that this is a big improvement since the last time this question was asked. I would like to thank the honourable minister for putting everything on this list in place.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Can the honourable minister state the responsibilities of the support staff and the one teacher's aide?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The teacher's aide works with teachers in the classroom and the support assistants work both with the special child there as well as

working within the classroom. I am not sure that covers what the member . . .

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Is the minister saying that the support staff at the Savannah Primary School specifically for two students with special needs are included in this seven? Or are there others?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The two are in the seven and there are two wheelchair students. That's why I call them special students.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Can the honourable minister say if every class in Savannah with over 25 students now has a support assistant, excluding these two that are specifically at the Savannah Primary for the two special needs students?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I have been told that there are only four classes with over 25, so the answer to that would be yes, there are sufficient. I would like to thank the Second Elected Member for Bodden Town for her unswerving—

**Mr. Roy Bodden:** Loyalty!

**Hon. Truman M. Bodden:** —move in relation to this school and continuing to press for the good of it. I would like to thank her very much.

**Mrs. Edna M. Moyle:** What about me? I'm pressing for Savannah!

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** This doesn't have to do with the Savannah Primary School specifically, but it has to do with teachers. Can the honourable minister say what the ministry or the department is doing to make it more attractive for Caymanians to not only go into the teaching profession, but to remain in the profession?

**The Speaker:** I am not positive that this comes under the substantive question, but if the minister wishes to answer it, he may. The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** We give scholarships to any students who are eligible for them on a priority ba-

sis for teachers and nurses especially. As the member knows, in the salary review salaries were increased. There are other areas such as attaching a young teacher to another, the peer system, to encourage them to remain within the teaching profession. It's a very old and honourable profession, but in this day and age, the conditions of service are important. Hopefully the review has allowed for good increases in salaries.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** In the 2000 Estimates under new services, there was prolonged discussion regarding these same support assistants for the various schools with classes over 25. Can the honourable minister say (since he stated that Savannah Primary is adequately staffed with these support assistants) if this is throughout the public primary school system?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I don't have that information. I would have to get it. I came prepared for this one.

**The Speaker:** Are there any further supplementaries? If not, we move on to question 16, standing in the name of the Second Elected Member for Bodden Town.

#### QUESTION 16 (Deferred)

**No. 16: Miss Heather D. Bodden** asked the Honourable Minister responsible for the Tourism, Commerce, Transport and Works to provide an update on the progress of erecting light-reflecting signs such as: "Curve"; "No Overtaking"; "Cattle Crossing"; etcetera, throughout the Islands.

**Miss Heather D. Bodden:** The honourable minister and I discussed this, and we'd like to defer the question until next week, if that's all right.

#### STANDING ORDER 23(5)

**AGREED: WITH LEAVE OF THE HOUSE QUESTION NO. 16 DEFERRED.**

**The Speaker:** Moving on to question 17, standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 17

**No. 17: Mr. Roy Bodden** asked the Honourable Minister responsible for the Ministry of Agriculture, Communications, Environment and Natural Resources to state the Government's plans to develop farm roads in Bodden Town, East End and North Side.



**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** Government is still considering a request to provide a farm access road in Bodden Town. There are no immediate plans or requests for the construction of new farm roads in East End or North Side.

### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable minister tell the House why government is still considering the request to develop the farm roads in Bodden Town when the request was made some time ago, and the road started? Why was that road not completed? And why is government still considering the request?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** The member is correct. Initially it was planned that the farm access road would start in the Cumber Crescent area, take a NW course and eventually end up in the Northward area. This plan has had to be revisited for several reasons, including distance to farmlands from the starting point, and passage through an existing subdivision. Furthermore, the Bodden Town Bypass Road will be passing through that area and will allow farmers access to their properties.

Currently, access to the farmlands in question is being considered from the Northward area. To this end the Chief Agricultural and Veterinary Officer has initiated contact with the prison authority to discuss what impact, if any, a farm access road would have on the plans the prison has for the development of the land government has acquired on their behalf, that is Block 37A Parcel 29. Many of the parcels that access is needed for are on the perimeter of the newly acquired prison land.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable minister tell the House why the road project started with the \$25,000 of the \$50,000 that was shared between farm roads in North Side and Bodden Town was abandoned after the money had been spent, yet not completed?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** Although it was roughed in, it was put on hold. No material was placed on it, simply because of what I have stated. It is not that it has been forgotten.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable minister give the House a timeframe as to when this project will be revisited? Also, can he further undertake to consult with some of the land holders in this area who are interested in developing farms along the perimeter he talked about?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** I am happy to give that undertaking. And I will keep the member appraised.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** The minister said in his answer, "There are no immediate plans or requests for the construction of new farm roads in East End or North Side." Who is responsible to request the building of farm roads?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** Normally the member for the respective district will receive requests from individuals who are interested in farming in the respective district. They, in turn, forward that to the ministry responsible, or the department, and we take it from there to have it costed and then it goes on to Finance Committee.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Can the honourable minister say if the Agriculture Department and the Ministry still follow the Ten Year Agriculture Plan laid on the Table of this House and accepted?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** Certainly. We follow the plan as closely as possible. But with the passing of time some things change, and that's why the plan is constantly having to be upgraded. But we do follow it.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Can the honourable minister say if one of the suggestions in that plan was that government should continue to build new farm roads to open up new land?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** That is correct. That is what is laid out. But the member knows, as does everyone else that we have been operating on a very tight budget. If there were any immediate requests, we would have treated that as priority. But, the way things have been going, we have not had funds available to just go out and build the roads.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** I thank the minister for that reply. I shall now put a request on the floor of this House that the farm road in the Hut Land towards Mr. Hubert Bodden's property (he has been so generous to allow North Siders to farm there) now be completed rather than just a little bit every now and then.

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** I will instruct my department to have a costing done on it, and I will bring it back here to this honourable House. Hopefully Finance Committee will approve it, and we will be on our way.

**The Speaker:** Are there any further supplementaries? If not, we move on to question 18, standing in the name of the First Elected Member for George Town.

### QUESTION 18

**No. 18: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for the Education, Aviation and Planning to outline the entire policy adopted by the Education Council in regard to issuing scholarships.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** (See Appendix attached)

**The Speaker:** I would appreciate a motion for the suspension of Standing Order 23(7) & (8).

### SUSPENSION OF STANDING ORDER 23 (7) AND (8)

**Hon. Truman M. Bodden:** I move the suspension of Standing Order 23(7) & (8) to allow Question Time to continue.

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

**AYES.**

**The Speaker:** The Ayes have it. Question Time will continue.

**AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11 AM.**

### SUPPLEMENTARIES

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the honourable minister say why there is a policy to grant \$4,000 per annum to students attending the Cayman Islands Law School, and not an additional amount equivalent for living expenses in the Cayman Islands?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** In Grand Cayman, where the three institutions are, the grant is basically to cover the tuition and related fees. However, when a student comes from Cayman Brac or Little Cayman to Grand Cayman, where he would not be living in his normal environment, we grant \$12,000 per annum which would cover the living expenses.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the honourable minister say what amount would be granted to a student at a law school in England or elsewhere?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I don't have the specific amount, but I think we are probably looking at £15,000 per year (and this is just a guess).

I should say that we have tried to get some reduction in relation to colleges and universities in the UK. That may come about as a result of the White Paper. However, I believe that money can't be spent on anything better than scholarships and education for our young people. If the feeling is that we should go up on these, and we continue to expand with the money we have, we have now expanded into Masters, as the member heard yesterday. If the feeling is that we should increase this, by all means . . . I think it's money well spent on the students.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** The minister was asking a question. I guess my suggestion would be that we need to make it fair so that if people are going to study here they know they are being compensated for their expenses just like somebody abroad.

The second question was to find out what happens to a student who has already done one year at the Community College without applying for a scholarship in regard to the Community College Associate of Science Degree. Can the student upon completion of one year apply to become a part of this scholarship programme?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** While these guidelines on local scholarships are new, the idea was that we would encourage the students to finish their two years and then we would grant the further two years. Those who finish the two years would get the extra two years abroad.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I think the minister misunderstood what I meant. I am asking about a student who starts at Community College, and not all students are getting scholarships because I know a student there who is not getting any scholarship. Provided the student does the first year, is there a possibility for the student to get the second year scholarship at the Community College? That is my question.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** By all means, a person who has done one year here, or who doesn't have the qualifications when they enter, even abroad, as I read once their GPA is all right, they can apply and by all means get the scholarship. We sometimes have students go into college who do not have the qualifications for the scholarship. They keep a good GPA and are then granted a scholarship. So, the answer to that is yes, whether it's local or abroad.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** On page three of the minister's answer guidelines adopted by the counsel for the granting of overseas scholarships are:

- 1) Students with seven (7) University of Cambridge (GCE/GCSE/IGCSE) passes at Grade B or above; or

- 2) Students with seven (7) CXC passes Grade 2 and above at the general/technical level.

- 3) Students with a combined score of 1300 on the SAT examination; or

- 4) Students accepted into architecture, engineering or medicine and who have the required mathematics and science background ('A Level equivalent).

Can the honourable minister say how many of our students coming out of our public education system and the private schools would qualify for such a scholarship?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I understand that 36 of the students last year had these grades, about 12% of those graduating.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** The minister knows how I feel about scholarships for Caymanians. I mentioned to him this morning that I personally don't agree with these guidelines. I understand exactly what is happening and I want the minister to give an undertaking that when he meets with the Education Council that consideration be given to revising these particular requirements. I think they are very restrictive. I think it caters to the elite of our society and it restricts the opportunities of our young people who have the desire to go overseas to further their education. I would ask him to ask the Education Council to reconsider that situation and report back to this House about the Council's decision.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I have given an undertaking to the member that we will be having an Education Council on Tuesday. We will put this back to the Council. But I would like to just reiterate the reasoning behind this. These guidelines are new. This is really the first time they have come in.

The rationale is sound. There needs to be some fine-tuning, but it has been recognised that students do much better when they have established a firm academic foundation in a familiar setting, such as they are here in these islands. It gives them the opportunity to mature within a stable setting. We must appreciate that some of them are young.

Secondly, it offers flexibility for students who really don't want to spend the full four years overseas, but want to spend two years here and two years abroad.

Third, it supports further development of the local three institutions, ICCI, Community College, and the Law School; and fourth, it frees up funds to use for Masters Degrees.

However, what I would also like to say, if the member will bear with me . . . the ratings of universities and colleges that accept the Community College—

[Inaudible interjections and general uproar]

**Hon. Truman M. Boddén:** I'd like to . . . just a minute and let me . . . the universities in the United States that accept transfer credits from the Community College Associate Degree Programme are: De Paul University, which is very competitive, Eckerd College, very competitive; Florida Institute of Technology, competitive; Florida International University, very competitive; Florida State University, very competitive, Howard University, less competitive; Loyola University, very competitive. The following are competitive: Nova, Oakwood, St. Leo, Stetson University, Texas Tech, University of Central Florida, University of Colorado, University of Miami, and there are several others, University of Tennessee, all very competitive.

Also, in Canada, for example, McMaster University accepts the Community College students into its programme. Queens College, University of British Columbia, University of Manitoba, Western University, and 15 in the United Kingdom, such as University of Trent, University of Birmingham, University of Brighton, University of Bristol, . . . all very good universities.

I would like to stress that the three colleges here have a very high standard and credits can be transferred within the areas that they do. There are some areas they don't, notwithstanding that I listed three in these guidelines. I would like the member to know that if there is a course that the two years can't be run here, then obviously the student would go abroad for that course.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** I refer to the same page my colleague from West Bay just referred to on Modification to Regulation for Overseas Scholarships in the Minister's answer. He referred to seven subjects of the University of Cambridge, 7 CXC's, combined score of 1300 on the SAT. We have American run schools in this country. I see no reference to a GPA that the children at those schools may attain during high school there together with their SAT exam that would entitle them to be sent overseas.

What is the GPA requirement of American schools, like Triple C and Wesleyan, along with their SAT results for them to be considered for overseas study?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Boddén:** The Education Council does not use the internal grading of the schools. They apply the external exams, which is the SAT score, on the basis that it is an external exam and it is dealt with objectively. I take the point of the member. The scoring and the testing internally, even though I don't think the schools have all that structured, the GPA is more college. But that is something that could be looked at. But the SAT is the external exam that is now applied.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Would the honourable minister not say that a student who attended the Triple C High School and left with a 3.5 GPA and an SAT of 1140, should not be given the same opportunity as a student with a 1300 SAT and seven subjects at CXC passes?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Boddén:** We are going back to the Education Council on this. I will speak to them about the 1300 SAT. That's high. I admit that.

Let me just say that we spent a lot of time on this because we realise this is a delicate area. These are new guidelines. Obviously, there are areas that have to be reviewed. This is one I am happy to take back.

**The Speaker:** The Third Elected Member for West Bay. I am going to have to stop after two additional supplementaries.

**Mr. John D. Jefferson, Jr.:** I would appreciate your tolerance on this particular subject. This is an area near to many of our hearts.

Can the honourable minister provide this House with the names of the members of the Education Council?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Boddén:** There are quite a few: Mrs. Marjorie Ebanks, Mrs. Rena Jefferson, Dr. Tudor, Mr. Sam Basdeo, Mrs. Mary Bowerman, Mrs. Joy Basdeo, Mrs. Ryan from Cayman Brac, our honourable Speaker, Mr. Marcus McLaughlin, and recently we added a representative of the Overseas Students Association, and me. I think that's everybody. There are about nine or ten.

**The Speaker:** Dr. Cummings is also a member. The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I wonder if the minister can say if he sees any potential conflict of interest with the President of the Community College sitting on the Education Council, the President of ICCI, and I am not sure who represents the law school, and the mere fact that

the president of the Community College and the Permanent Secretary for Education are husband and wife sitting on the same council.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Boddén:** I should also have added Dr. Cummings, I am sorry.

In this small community I think the duty on a person who sits either in this honourable House or on the Education Council is that when he or she has a conflict of interest he or she should declare it and then be restricted, and, depending on how controversial it is, not take part in the decision making.

A vast amount of expertise is brought by people like Dr. Cummings and Mr. Basdeo. There will be times when they have conflicts, but the input overall outweighs any disadvantage. For example, Dr. Cummings understands the American system, as does the Chief Education Officer. They have both worked within it. They understand the American University system. I don't have that knowledge.

They all contribute. The mix we have now has been on that council for many, many years. Some of them were there from when I was the member for Education back in the 1970s, like Miss Marjorie. They have contributed a lot. However, like all human beings, we are not perfect. When problems arise, I think our duty is to (as we have undertaken to the honourable member) go back and have a look at these guidelines. We realise that they are controversial, they are new and we need to get them right. I think you have a council that will be sensitive to the feelings of members of this House. I give the undertaking, I mean, we will raise this and we will look carefully at the question of the local scholarships. I cannot do a lot more than that, Mr. Speaker, and otherwise to say that all members on that council do work hard.

The other thing that I should mention that I have not fully said is that the interviews for scholarships are normally done by a panel of three people, not by the full council. Then reports come to the council from those. They would access the students on all things that are relating to that scholarship.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** This is a very comprehensive document, and it is the first one that I have seen of its kind as far as the Education Council is concerned. It has made some changes, and my concern is that if a student fails to have the required GPA, why doesn't the ministry put a policy in place to ensure that the child goes to the Community College to improve the GPA so that he would have a chance to complete his university education rather than pulling his scholarship.

I know this has happened, Mr. Speaker. Something happens to a child midway in college, in fact, I know one that had just one year left and something happened and

they failed to meet the GPA and the scholarship was pulled. Well, the child's financing has gone to pieces. The parents' investment, they have to pay that back and the child is left without a university education. So, I would ask that the Minister look at this issue.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** That is a very good suggestion, and I think it makes sense. By all means, I will put that to the Council because if the student can come to standard here at the College . . . sometimes the environment abroad is not that easy for students from a fairly protected society like we have here. If they are not performing then I think we have a duty to try to assist them at the College to come up to standard.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, let me just make a comment and then hopefully I will ask a question afterward.

**The Speaker:** Are you turning it into a question?

**Mr. John D. Jefferson, Jr.:** Yes.

Experience has proven that Caymanian students who go overseas do as well as anybody. So the excuse about they going to the Community College in the first two years because it is a protected environment that provides a more ideal situation for them to be able to study, I think is total nonsense.

Mr. Speaker, I would just like to ask the Honourable Minister to ask the Education Council to revise these particular requirements. I promise if the Education Council fails to do so, that I will do so in Finance Committee. We will set the conditions for local scholarships and otherwise. Thank you.

**The Speaker:** This is the final supplementary now.

The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** I would just say by all means I will pass that back, even though what I said about students in the environment here is my opinion. However, I respect the honourable member's differing opinion on that.

**The Speaker:** The First Elected Member for George Town, final supplementary.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, craving your indulgence, sir, I have tried to give everyone an opportunity to ask questions but I did ask the substantive question, sir. If it is only one supplementary that is left then I won't start, sir.

**The Speaker:** I will put you on a time frame. Go ahead with your question. I don't want to step on anybody's democratic right. Please go ahead.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, you must not think that I am upset. I understand. But I will deal with it in the debate because it will fit right in, sir.

**The Speaker:** That concludes Question Time for this morning.

Item number 4 on today's Order Paper, Other Business. Before I call on the First Elected Member for George Town to continue his debate, I have suggested to most members that we waive the customary break, this morning and this afternoon, in order that we can get in approximately an hour of additional time in the Chambers. If that is agreeable to all members I just want a show of hands.

Is that the will of the House?

*[response not heard]*

**The Speaker:** Thank you.

Moving on to Private Member's Motion No. 14/2000, Public Education System, debate continuing.

The First Elected Member for George Town.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 14/2000

##### PUBLIC EDUCATION SYSTEM

*(Continuation of debate thereon)*

**Mr. D. Kurt Tibbetts:** Thank you, Mr. Speaker. What we dealt with yesterday, sir, was basically to try and set the tone for identifying some of the problems, looking at it from a wider purview that emanates from within the society that I think is linked to problems with our public education system. This morning I have just a few more points with that and then I will get more specific in my line of argument.

As I was saying yesterday, I do believe that there are many young people, too many, in fact, who fall between the cracks and end up in situations with no skills whatsoever and find it very difficult getting reasonable paying jobs because of the lack of these skills and attitudes sometimes. As the years have gone on these numbers have continued to multiply. And I would like with your permission to make a few references at this point in time. I wish to use the National Youth Policy draft that was produced a few months. I would just like to use a few excerpts from it. My effort here will be to prove that the citizens of this country are as concerned as we are about the problem.

In this document on page 24 under the heading of "Youth and Education," it reads, "**At the very first National Youth Forum held in December 1998 the youth participants expressed the need for more college courses in the Cayman Islands** [which supports the Minister's argument just a while ago] **which would provide an alternative to young high school graduates to studying overseas or joining the work force.**"

More importantly, it goes to say, "**They also stressed the importance of vocational training.**" Then in the very last paragraph on that same section, the document reads, "**At the Youth at Risk Conference held at the Grand Pavilion Complex in January 22 - 23, 1999 one of the areas highlighted was interest based education for all students. Over 150 youth services professionals attended this conference and they all agreed that students would develop in a more positive manner if they were doing something that came naturally to them which they enjoyed and were willing to focus on.**" That's 150 professionals with the very same conclusion.

Mr. Speaker, this is going to be the crux of my argument. They said that students would develop in a more positive manner if they doing something that came naturally to them, which they enjoyed and were willing to focus on. Also in this document, you will read that the Community College had prepared several syllabuses for vocational training and had areas where students could come to learn, but many of these are no longer available because the students or the potential students seemingly have not taken advantage. So, without students it makes no sense to offer the classes, which is basically what seems to have happened.

But the point that I wish to make about that is that the Community College is an atmosphere which involves a lot of self-discipline because of the age that it caters to. The vast majority if not all of the students who might attend the Community College are post-secondary students. So, what happens is . . . and I have asked the Minister this question before and his answer which is quite rightly so is that if the Community College offers these courses and no one takes them up then the Community College basically cannot do anything more.

The problem is—and this is what I wish to point out—when you go into your secondary system which is a system that has a climate of discipline created because students in the broad sense are undergoing their formative years, you then create the circumstances for the discipline to be instilled. If you don't have similar circumstances prevailing at the secondary level you cannot expect those students when they are out of secondary school to have it in their heads that they are going to have the self-discipline to walk up to the Community College to enrol and just go and have their own will and volition to acquire these skills. I think that is a very important point.

Now, at the high school you have a very limited amount of technical and vocational training going on. That is only done on a very minor part of either the syllabus or the curriculum, depending on how broad a scope

you are looking at. So, you don't have anything in place where someone who can learn the three Rs but who is more minded to deal with something else, where you can lean them in that direction while giving them the basics in the other areas of education that everyone needs. That is why I read that section where the 150 professionals agreed that students would develop in a more positive manner if they were doing something that came naturally to them.

Mr. Speaker, that point is simply to reiterate that we need to take a serious look at how we are doing what we are doing, and the diversity of the educational skills that we are delivering to the students.

Yesterday when I spoke about the immediate impact that the lack of policy directions with our educational system will have on the wider society, I talked about the crime and other areas.

I want to read from the next page, under "Youth and Social Services." I am using this document because this document has collated information from surveys done within the public. It has taken information from the public at large and it has taken information from professionals within certain areas. Now, it is not a question of using this document to prove any points, although I think that it will, this is simply telling all of us that the society understands what is happening and it is concerned. The society is depending on the Government, both from top down and from the bottom up, to deliver the changes and the innovations that are necessary in order to bring about more positive results.

On page 25 of the document, under "Youth and Social Services," it reads, "**A comparison of statistics from 1995 to 1998 showed a persistent occurrence of juveniles displaying behavioural problems in the school system and the home environment.**" That is a comparison of statistics from 1995 to 1998. In 1995, there were 162 cases involving juveniles with behavioural problems, and in 1998, 168 such cases. Similarly, there was a growing incidence of juveniles convicted of criminal offences—in 1995, there were 39 cases and in 1998, 178 cases. The main age group for conviction was juveniles aged 15 to 16.

Now, Mr. Speaker, the easy way out is to say that there has been a breakdown in family values, in the home environment, which might well be a fact. But because that is a fact, it does not mean that there is no inherent responsibility within the educational system to make meaningful inroads into lessening this problem. So, the question is not to say that it is the educational system that is causing the problem, but we have to accept that we have to find ways and means within that system to help to cure the problem.

I accept that there is great difficulty in it because we cannot stop the world today and outline the problems, identify them, cure them, and move on. It does not work like that. It would be easy if we could, but because we cannot do that is why we have to have a continuous evolving situation of dealing with these problems. To try to separate the issues and say that responsibility lies just

with the parents, whether you could justify that argument or not, is not going to cure the problem.

We have had three generations where this problem has continued to escalate and magnify itself over those generations. Right now, we are having parents who encountered the same situations, and their children, and their children's children at this point in time, are encountering similar situations and we have not identified the problem and it has continued to multiply—a perfect formula for total breakdown in any society.

When we speak of education in this day and age, we cannot limit it to the best CXC results in the Caribbean. We cannot get up and talk about those CXC results and figure that it ends there to say how good the system is, it does not end there.

Mr. Speaker, if you have 50 apples in a barrel and 48 of them are perfect and two are no good and if you don't get them out of the barrel, sooner or later all 50 will be spoiled.

I want to use a few more references. On page 59 of the said document—the Cayman Islands National Youth Policy draft—under "Policy Objectives," they say: "**Based on the analysis of the National Youth Policy survey results, the information gathered at the various forums and from the relevant documents, the policy objectives outlined below were formulated:**

**"Goal B: The provision of a wider spectrum of educational opportunities for young men and women.**

**"Objectives B1: To support the thorough review of the existing formal educational system and access its relevance to the needs of the young people of the Cayman Islands."**

Now, Mr. Speaker, this is not me with my preaching which some people interpret to be tainted with politics. It is not me who is saying that. I am going to read it again. **"Objectives B1: To support the thorough review of the existing formal educational system and access its relevance to the needs of the young people of the Cayman Islands.**

**"B6: To provide general education to a sufficiently high level to enable young people to pursue professional/technical/vocational training according to aptitude and interest."** Mr. Speaker, that is a big problem in our system at present.

Let me explain something before I go any further. Let me take from the Minister right down to the janitor. The Minister is in charge of policy. The civil service chain of command begins with his Permanent Secretary and then you have all the various attachments coming down. You have the Chief Education Officer and the department under the Chief Education Officer, you have all the schools, teachers, students, and right down the line.

The objective today is not to point any finger at any one individual in that whole chain of command. The objective is for us to be able to accept that there is a problem and to really, really, want to do something about it—not just to continue to talk about what are the right things that are being done trying to say that these things don't need to be addressed.

Mr. Speaker, let me show you where we go wrong with the best of intentions. We decide that we are going to create a new curriculum. So, we set up office within the department. Let's break that down—let's talk about a new curriculum for primary level . . . and I think if memory serves me right we have four basic areas that we are talking about—mathematics, language arts, social studies and science. Now, on occasion when the Minister is under fire he will have to answer certain questions that may be asked by someone else or by me. I am going to tell you what I know for a fact: you have a good principal for a school who has done well within the system and then you want to create the framework to work towards creating a new curriculum. You take that person out of being a principal of a school and put him in charge of one of those four areas to create this curriculum, and the person has never done that in his life before and there is not even the slightest regard for any specialist training to give that person the competency level to be able to deliver. That is not today!

I made it my point of duty not to speak to the person because if offence is taken, then I cannot help that because it is not geared at anyone. But I would like to show you the difficulty, in my view: that person is basically receiving a promotion, which is almost impossible to refuse. Any human being would be happy for a promotion. That person is also within a system that if you open your mouth something might happen so you keep your mouth shut. This is a specialist area. This is not something that you just pick up and do.

I will tell you exactly what has happened because it is my understanding that the curriculum for the primary level is completed.

I am not educator so the chances are I run the greatest risk in the world when anyone else gets up to speak, including the Minister, to tell me what I am not and what I think I know. But there are certain basic principles and common sense ideologies that you can apply to anything you are doing. There is a difference between a curriculum and a syllabus. A syllabus is limited to the subject matter that is going to be taught to a student on a given subject. A curriculum is all of those things dovetailed into one, making the person at the end of the day a whole being when he leaves that system. That is my layman's term, but I understand what it means. I will guarantee that if any professional went through what has been done now, all that has been created is a syllabus because it has been created from the bottom up and not from the top down.

That is just one point but it is no reflection on the hard work, the good intentions, and the basic ability of individuals involved. It is not to blame anyone. It is not to say that the person who is involved doing that does not have any sense. In fact, the converse to my argument is that there is also one of those people who was in charge of those subjects who made four attempts that I know about to get some training, and that training was refused. That is a fact!

Mr. Speaker, God help us if we don't open our eyes and understand what is happening around us. We can-

not fool ourselves. Every time we make decisions that suit our own given circumstance we risk the future of this entire country because one decision that is made at a certain level can affect a thousand people who are existing below that, right then and there, much less the next generation. It is fact!

If we don't provide the system that is going to equip our youngsters to find meaningful positions as adults where their earning power equates to the education that they have, what kind of society are we going to have? Just think about it! It doesn't take an educator to understand. If what we are churning out of our public school system, by and large . . . and the vast majority of them don't find themselves able to have self-esteem, to be able to buy a car, to get married, to offer something in life, to have a family, to have a home, because they cannot afford it and they don't have the tools to be able to produce the labour to acquire the income to do that, what kind of society are we going to have? We have not been doing it! If we had been doing it we would not have the problems we have now.

You see, the moment you speak like this, the only thought in many people's minds is criticism and how they are going to counter that. Mr. Speaker, we need to grow up. We need to understand that when we take certain positions the responsibility that goes with that is beyond ourselves. If we want to limit our thought process to ourselves then we don't deal with those responsibilities, we take other responsibilities, and that is serious.

Let me give you another example. We talk about the school system, policy, and delivery of that policy and realising objectives. We had a question in here the other day [regarding] the middle school and the high school having Years 7 through 9 at one institution, and Years 10 through 12 at another situation, looking at the Cayman Brac example because that is a much smaller school. Therefore, Years 7 through 12 works well with that. The Minister said to me that is in place because that is what the people wanted.

How is it that out of eight professionals that I made it a point of duty to ask about it, seven of them were totally convinced that it should be the opposite?

And, the one who was not 100 percent sure, the question in that person's mind had nothing to do with the system itself, that person was worried about 17 year old boys mixing with 13 year old girls, which is a real concern as I have two daughters. The only difficulty there is that if you are trying to prevent that because of fear, then two things have to obtain: 1), you are assuming that all 17 year old boys have bad intentions; and 2) you are assuming that you will have your 13 year old daughter in your eyesight for 24 hours of the day. Neither one works.

You see, just talking about that, here is what we must stop doing that we have been doing. We had a 1995 to 1999 Strategic Educational Plan. We had all kinds of arguments about how it was delayed, and then we talked about it and there was an update and all this kind of stuff. Mr. Speaker, look at the development of a National Curriculum and the stage that has reached when the Minister initially said that in two to three years



it would be completed. It is more like seven or eight years and you are just going into the secondary level and you don't even have the first one down pat because it was wrong from the very beginning.

Again, it has nothing to do with individuals. People are afraid to talk about something because it will give somebody else the advantage to go . . . and it has been done because it has come back to me and people have asked me questions. Do you know what you hear when people like me say what I am saying? The people involved, some of them who know me well would call and say, *'What kind of thing I hear you scandalising me?'* because that is how it is put back to them. It has nothing to do with the rights and wrongs of it. It has nothing to do with individuals. It has to do with the future well being of this country.

For the love of me, I don't know how we are going to get beyond that. But we have to get beyond that and deal with the issues.

Mr. Speaker, there are individuals who at this point in time are at least as equipped or probably better equipped to deal with certain areas of relevance in this motion. I will be winding up the motion. I am not about to introduce the motion and go into everything because there are others who have their own little things that they want to say in certain areas. So, I am going to allow that.

I want to impress on everyone that this motion is not brought just to have something to say. It is brought out of genuine and real concern. It is not brought with a thought that I have all the answers and that the answers that are being done on a daily basis are not relevant or don't make any sense. But I tell you what, whatever we are doing, we are not catching up fast enough. We cannot continue to deal with what everyone terms "crisis management." We cannot just be reacting and outing fires. By the time we out one fire, ten more have started, and you cannot live like that.

The country can go nowhere like that. You have to get to the point where you have systems in place to prevent the fires before they start, and we are not doing that. I mentioned that in here last year—and I will bet you that it did not go an inch further than the door that I am looking at going out of this chamber.

Somewhere else in this National Youth Policy it talks about never being able to have a good grip on anything to do with the youth and be able to trace patterns and all like that unless records are being kept, which is not being done at present.

I mentioned a year ago, that if you wanted to really find out the true results of our public education system, look at a graduating class, every single one of them (including those who did not graduate but who got to year 12). and one year later find out where all of them are and what they are doing. That will tell you how well the system is working. If you have 300 students for that year and you can give a reasonably good account a year later for 250 of them, but you don't want to talk about the other 50, then we have problems. That is the point.

It is not that it is not right and good and just to make sure that those 250 fit in, either on to tertiary education

or in the work force or whatever. But if you have 50 every year that you cannot account for a year later, Mr. Speaker, we are in trouble because in ten years that is 500—plus the babies that they make. I don't mean to sound raw but it is a fact. That is where our problem is coming from, and that is why the resources of this country continually have to be fuelled into the Social Services Department, more and more each year.

Now, no one is saying that you will never have any problems. But we can get it to where we can manage it a lot better than we are doing. In years gone by I would almost say that most of us took the attitude that it was not out of hand yet, so we did not have to worry about it. But you cannot live like that. You cannot wait until it gets out of hand before you say you are going to do something about it. Deal with your child like that and see how the child ends up—much less your country.

Mr. Speaker, I am going to close off now. The motion is simply calling on the Minister to act under his constitutional responsibility—to set out properly a prioritised plan including cost and specific timing of implementation to address the present needs in the public education system. I have tried to point out some of the deficiencies. There are more that can be pointed out and will be pointed out, but I only chose to use a few examples just to try to make my point.

The 1995 to 1999 Strategic Education Plan, which the Minister has explained from times gone by, is a plan which is continually being revised . . . I understand all of that. I contend today that plan has not addressed many of the areas that are relevant to problems that we are experiencing today, and that need to be addressed.

I don't want the Minister to come back and tell me about the 353 people who prepared the plan. We know that. Those 353 people gave many hours and sacrificed a lot of time and effort. We understand that. Nobody is questioning that. But if that was sufficient and it was being done in a manner that brought about the right results, we would not be wasting our time today.

From the top down and from the bottom up what I am saying is true. But inculcated in this system is that the first thing to do is to protect your back because everybody is out to get you. We need to shed that thought. It is not about whom wants to get whom. How much better can a man be than if he understands what is wrong even if it is with himself and correct it? He can be no better than that. But how much worse can a man be if he sees it staring him straight in the face and because it might expose him he refuses to address it? He can be no worse than that.

Mr. Speaker, I sincerely hope that what I have said has not gone on deaf ears because I contend this morning that not just the future well being but the very survival of this country depends on us dealing with this. No one is perfect. We accept that. No one knows it all. We accept that. But we cannot say that the problem does not exist. I cannot accept that because I know it does.

Mr. Speaker, I think perhaps at this point in time it is best for me to allow someone else to speak. Thank you.

**The Speaker:** The floor is opened to debate. Does any other Member wish to speak? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I would not normally rise so early, being the seconder of the motion, but I have mentioned already to the Honourable House that I will be journeying shortly away for a week, so I will use the occasion also to tender by apologies for my absence.

I have listened to the mover, we have discussed this matter over many long hours, and for many years now we have been trading concerns, trading ideas, sharing moments and dreaming sometimes about the educational system that we would like to see.

In 1999, we even thought that it would do well for us to broaden our perspective and we went with our own resources to a conference. Unfortunately, we wanted to return this year, but as it was an election year, we decided that we could not spare the time to go.

Mr. Speaker, like the mover rightly said, the motion was not brought out of any attempt to make anyone look bad. Rather, it is out of a genuine concern and we hope that what emanates from the debate can serve as food for thought, can serve as a ground on which the Minister if he so desires can use to improve the system. Because while it is true that the system is doing well in some respects there is also much room for improvement in other respects.

I want to say that the position I will be taking will be a little different from what the mover is taking because I believe there is no need to repeat certain ideas, although repetition is perhaps the best base for learning. What I would do is to seek to offer as best I can a model beginning from the very earliest stage right up through the high school age of how I think we could improve the educational system that we have. In so doing, I am not going to be dwelling so much on the establishment of physical plants. And I am not going to be dwelling so much on figures, although from time to time I am going to leave with the Honourable House estimates of what I think will be necessary in order to set in place certain projects.

Over the years, and particularly at this time when an election is eminent, there is a tendency on the part of the Government and on the part of the Backbench to posture and enter into adversarial politics and debates. Mr. Speaker, those who know me will know that I don't have any ego to stroke. I believe that my tenure in this Honourable House has record enough of my abilities and capabilities. But when it comes to education practice and the business of teaching and developing and moulding character and minds, that is a calling that I hold close to my heart. I have on numerous occasions said that in this Honourable House.

Having laid that foundation, I want to begin by posing a few questions to encourage honourable members to think about what I am going to say and think about where we are. Mr. Speaker, have you ever wondered, in a country that boasts of being perhaps the leader in the

Caribbean and one of the foremost international financial centres in the world, why is it we have no empirical figures which tell us our national literacy rate or the percentage of people in the Cayman Islands who are literate and numerate? Have you ever wondered it, Mr. Speaker? I have wondered it on many occasions.

Has it not also struck you, Mr. Speaker, that we don't have a national library per se? We don't have a sophisticated building where we could in a quiet sober atmosphere concentrate and do some extensive research on a project? Have you ever wondered, Mr. Speaker, why? Yet, we had a big debate here (you will recall, Mr. Speaker) when it was proposed that we set up a National Gallery. We are building a National Gallery but we don't have a national library. Have you wondered why?

Mr. Speaker, has it ever dawned on you that there is a contradiction of sorts in saying that we have a perfect educational system but we don't have a library where somebody can go on a Saturday morning to satisfy his curiosity in a particular subject, where he can read a journal or go and research a particular text in an area in which he may have an interest?

Are we not then measuring our progress on a faulty report card? Where are our priorities? Mr. Speaker, I contend there is a direct relation between young people who wind up in Northward and the education system. There is a direct relation, and were we able to measure it we could find it out. I requested some time ago in this House that one of the things that should be done among the young prisoners in Northward is that they should be tested to ascertain their level of literacy and numeracy. All I got was a pristine promise that it would be done, but yet nothing! And, until we begin to address these problems by seeing the interconnectedness and treating the problem from a holistic perspective, we are just treating the symptoms and not the problems.

Mr. Speaker, no serious attempt has been made that I know of, to incorporate the results of the Family Study into educational policies, into our social welfare policies, into our community development policies. That is the kind of thing I would like to see and that is the perspective from which I am coming. So, that is an excellent launching point for me.

What I would do from the very beginning, what I would set up is an integrated approach. I would set up an early intervention service. I would identify families at risk throughout these islands. Let me tell you what I mean by "at risk." I mean at risk because of poverty, at risk because of potential abuse, breakdown, and dysfunction of one or both parents; at risk because they may have young people in a neighbourhood riddled with drugs and alcohol, and other threats. I would ensure that by developing a programme . . . and you can call it whatever you want to call it. I, for the sake of argument would call it "Family Start." After identifying these families, I would then set in motion one or two people to deal with that particular family from pre-school.

There would be consultations. They would have access to a psychologist. I would ensure that they had

access to persons from the church of their choice. I would ensure they were acquainted with the social service department, and I would take it from there. The case officer would be responsible for that family. There would be regular consultation between that officer and the family. I would work until those children were ready to enter school to ensure that there was no deprivation—financial, social, or emotional.

You cannot tell me that a country boasting of such wealth cannot afford to make that investment in human capital. If I were a wagering man, I would wager that if this programme were in place for five years the prison population (young prisoners) at Northward would drop significantly—by 50%. I would also lay you a wager that juvenile delinquency would drop significantly, that anti-social behaviour and alienation would decline similarly.

I would ensure that in this Family Start programme the parents are educated as to their responsibilities. It may be that some retraining would be involved in order to bring them up to a standard where they could of their own volition earn a dignified livelihood. It would not be any welfare state system, where they are supported by the state and stripped of their ambition and dignity.

I would focus on prevention rather than later intervention. I would provide intensive services for the people with the most need, and I would work from the strengths of the family. I would set it up to enable the families to access services in the community. I seriously would investigate the feasibility of starting an early childhood educational programme, preferably something modelled off the popular Head Start programme, so effective in the United States.

The focus would be the empowerment of the family, empowering families to become independent; to enable them to access the social support networks and to understand that the primary responsibility for bringing up the children is they themselves, whether the conventional two-parent family or the single-parent family. I would have the proper support groups set in place to give them whatever help they need—an integrated approach involving the ministries of education, social services and community affairs. From there, I would set it up so that when the child enters primary school there are similar continuing agencies enabling support.

Because the school operates in loco parentis, many parents feel that education is the sole responsibility of the government (the "State" as I like to say). They think that their obligation ends when the child reaches school age. More and more we get cases where people feel it's the government's responsibility, so they depend more and more on government and lean on government and sometimes twist government's arm to provide for them—lunches, uniforms . . . They never consider that government is already giving a lot of help and that government can only get the money to provide all these services by taxing them. So the more they lean on and expect from government, the more government has to squeeze out of them. When budget time comes and government has to impose taxes then they scream. I

recognise that government is in a Catch 22 position in many of these circumstances.

What is needed is an educational awareness among the parents. And when I speak of empowerment, I mean not only empowering them to earn a dignified livelihood, but empowering them to make conscientious decisions in regard to the future of their children. So, while we are providing these support services, we also have to find ways to teach them their responsibilities and teach them where the parameters end.

There's no nice way to put this: We have to do some indoctrination too. That's what it's about. You can check any successful society. People think that indoctrination is only done in totalitarian societies and one party states. No! Indoctrination is a sound pillar of democracy. If we don't indoctrinate people in the right values and the correct knowledge democracy will fail. There has to be some propagandising effort so that these parents can understand that they cannot abnegate their responsibilities when the children become school age, farming them off to the government.

Now we have gone into the era of home school associations. I would improve the system from the very outset when the child enters formal schooling, that is the primary school, I would cause a contract to be established between the parent and the home school association. This contract has no legal basis. It's worth would be that it would consist of powerful statements of intent. It would clearly lay out the responsibilities of all parties involved in the education of the child. In other words, the contract would lay out the role and responsibility of the school vis a vis the role, responsibility and expectations of the parents.

This contract would not be universal in the sense of design and structure; it could vary from school to school. The level of contract at the primary level would have some significant differences from that of the middle or high school. But, essentially, there would be common elements including expectations about the standard of education, the ethos of the school, regular and punctual attendance, attitudes towards discipline, homework and the responsibility of the school as to what information the school would give out, reporting sessions. It would serve to help parents realise it's a partnership.

Mr. Speaker, this would be a good time for me to take a break before I launch into further debate.

**The Speaker:** We shall suspend proceedings until 2.15 pm.

**PROCEEDINGS SUSPENDED AT 12.46 PM**

**PROCEEDINGS RESUMED AT 2.45 PM**

**The Speaker:** Please be seated. Debate continues on Private Member's Motion No. 14/2000. The Third Elected Member for Bodden Town continuing.

**Mr. Roy Bodden:** Prior to the luncheon suspension, I was arguing for the development of home school associations which serve to enhance the relationship between parents and the school system. If effectively set up they serve to lay out clear cut parameters regarding responsibilities that each role player will have to carry out. These associations are important in helping parents raise the pupil's achievements and in combating truancy, bullying and unacceptable behaviour which generally undermines pupils' progress in school.

These associations and the contract I spoke about should also serve to involve parents in literacy and numeracy work. It is an ideal example of how a partnership should work. All schools should be encouraged to write a home school contract. I put that out for consideration by the Minister of Education.

I see home school contracts being of particular significance to students coming from disadvantaged families. An intensive early intervention programme should be based upon certain indicators I call "disadvantage indicators." These would be poor parental educational attainment, poor housing, low income, long term unemployment, sole parenthood, high residential mobility. We could also develop a symptom list that could be used to identify this disadvantage—poor family health, alcohol abuse, lower levels of parenting skills, truancy, and low educational achievement, involvement in criminal behaviour, and young motherhood.

I always had the idea that much more could be done to alleviate some of the problems our students face at middle and high school level. But I was also cognisant that these problems didn't just begin at that time. I was reminded a few evenings ago at the CASA District Meeting in Bodden Town where I heard anecdotes of students as young as six years of age being substance abusers.

If this is the level, the age where these problems start, it's no wonder we are so far behind. Further, it was pointed out that before many students leave the primary school, certain antisocial behaviours have almost completely manifested themselves in the student's lives. That being the case, it is hardly surprising that by the time the students reach Year 11 and 12, and are ready to matriculate from the high school that such a large percentage come out functionally illiterate—they cannot read and write well enough to hold jobs.

I want to emphasise this because I have heard the minister speak often of those who do well at the CXC exams. But nobody takes the time to follow up on those students who do not do well on the exams. What about the third who drop through the cracks? These are the people who make up the prison population at Northward, the juvenile delinquents, residents, and daytime students at CIMI. These are the ones we find in the alternative education system.

If we are going to progress and prosper in this country, we have to find a way to address the problem and stop it before it reaches this level. Otherwise, it makes no sense to boast that we have the best CXE exam pass rates in the Caribbean. Now we want to build

an \$11 million remand home. There's a fallacy in that because like Gresham's Law, which says work expands to fill time, these facilities will expand to accommodate the number of students we send to them. And we will continue to treat the symptoms. Meanwhile the problem will remain unaddressed. We have to attack the problem with an integrated holistic approach and set the family on a firm and secure footing.

That brings me to the primary school level, the level where the foundation for formal learning is laid. It is at this level that it is most critical for students to grasp skills and gain competency, where values are inculcated in them. If not, there will be problems later on. One of the conspicuous absences is the absence of anything having to do with who we are. To the best of my knowledge, there is no integrated system of teaching civics in the schools.

I can tell you what happens in Canada. Three mornings per week, there is a general assembly. The flag is unfurled. The pledge is said, the National Anthem is sung, and those students placed their fists over their hearts. They knew what it meant when the Maple Leaf was hoisted. They knew that their flag should not touch the ground because that would be a desecration. They knew what their National Anthem said. They knew their pledge.

Every four years or so they had what they called the Canada Cup in hockey, where the Soviet team and the Swedish team came to play. The Montreal Forum was a charged atmosphere. My friends used to say we couldn't beat Russia in war, but we could beat them in hockey. When the Canadian National Team played the Russian National Team, there were more Canadian flags . . . a whole nationalistic atmosphere. From primary school they understood what it meant to be a Canadian, and what these various national symbols meant. They were taught the various structures of government, and the people who made up the Federal and Provincial governments.

It is informal in Cayman. There is no formal structure. That's one of the problems at high school too. Politics should be taught as a subject. That's the best training ground. Civics should be taught. They should know what the country is about. That's the reason people are not registering to vote—they believe that it's not important. The apathy stems from way back. If they were politicised from those levels . . . that's where the training should begin.

I hope the minister is listening to this. There is much work to be done. I contend that we can have a much better system, but we have to use an integrated approach. I am still surprised that to this point there is no systematic and integrated approach to use computers in the primary schools. There are companies specialising in it.

There's a company called Creative Learning Systems, out of California. How do I know? The First Elected Member for George Town and I met these people. They did a presentation for us. I got a call from these people saying they were going to Bermuda, Gre-

nada, and two other eastern Caribbean countries, would I like them to come here to give a presentation. I said, please don't because I didn't wish to get into trouble.

This company sets systems up in schools. You can have a school operating on the traditional classroom approach, or set up with computer aided construction. They can go completely on computer, or half-and-half. These systems start from \$.5 million for an integrated system which incorporates some traditional teaching, or completely computerised for about \$3 million for a school the size of the Bodden Town School.

Years ago I said we should have a pilot project. A School like North Side or East End would be ideal to operate a pilot project so that we could gage the effectiveness of the computers before moving it throughout the system.

That's the way the world is going. Why are we still taking the antiquated approach? If we do this, it will free up our teachers. With a little retraining, they could be much more effective. In the traditional classroom of 25 pupils, if we had sufficient computers, the teachers save a lot of energy. Why is that not being done at the primary schools? Why are we not ensuring that every child . . . and the Lighthouse School is ideal. Turn those children on to the world of computers and that would be therapy in itself.

The students could move entirely at their own pace. The ideal setting would be one like the Lighthouse School. Why is this not done? Certainly, the minister cannot say that it is foreign to him. For all the money we spend, I am saying we should have a better system. One reason why we are not getting better results is because we are still doing it the old way.

It is time that we take this approach. I know that the minister put a strategic plan in place. And I know it was arrived at by 353 people. But I am saying that if that plan is as good as it is purported to be, it should now be at the stage where it is incorporating some of these developments.

I learned that for the most part, for all we have heard in here, there are great disparities and confusion in terms of the after school activities as they are structured in some schools. I wonder why, on a Friday afternoon the bus lets out the future of the Cayman Islands to congregate at Elizabethan Square unsupervised. Those students should be participating in organised after school clubs, like Camera Club and Cadet Corp. Why are they out there on a Friday afternoon? Who assumes responsibility for that? The buses should pick the students up when the school calls—not when the bus drivers want to pick them up.

If I were assessing the system, these are the things I would look at. You cannot tell me that you have an effective system when I see the school children, some of them immodestly clad, on a Friday afternoon. . . and you should hear the complaints from the people in the surrounding offices about their behaviour. The minister has to take responsibility for that too.

For years, I have been singing about the development of a cadet corp. To this day, there is none. These

are the places we have to start. Compare our system with the one they have in South Korea, in Singapore and even in countries in the eastern Caribbean, and Jamaica, particularly where the secondary level is concerned. We have a great start in aftercare, and several do well, like Rehoboth. But that is not near enough.

We should be making greater use of formalised computer instruction. Our country's educational system will never do well until we get more people interested in teaching and more people going into the teaching vocation. The only way we are going to do that is to make it attractive. We have to find ways of doing that.

When it comes to the middle school, these are the years that many of our young people experience the challenge of adolescence. They need guidance during these years. It is my theory that we can best help them by placing them in an atmosphere where they have role models and mentors. To thrust 700 students of the same age who are floundering because there are no persons who can say don't do this because of experience they know it is a mistake, is a serious challenge. These students are receiving signals from their bodies which they need help interpreting. Who will be the role models, leaders and mentors? For all of the positive things and good in our system, a significant number of the breakdowns begin there, particularly when you realise that there are already contributing factors.

There is a definite need to have a formal technical and vocational programme at the high school level. None exists now. Some of us have been preaching this for years. It is so obvious that blind Bartemeus could see that every student in the system will not turn out to be a white collar worker, or go on to tertiary education. I am not talking about a few token courses here or there. I am talking about programmes.

Before new labour came, the conservative government had a national programme they called TVEI—Technical and Vocational Education Initiative. Later, when the new government came they developed what they called the National Certificate of Vocational Qualification. Why is it that we don't have something that matriculating students who don't desire to do into the academic stream can get? I would like to see that beginning when students leave middle school that they are screened. This is where this should formally begin.

We should have at the end of Year 12, students coming out of the vocational and technical stream with internationally recognised qualifications. CXC has those exams, but enough emphasis is not placed on the programme.

The greatest failing of the high school here is that there seems to be no standard set for the matriculation. In most systems there is a competency-based examination that students have to attain a minimum in before they are awarded a school-leaving certificate. I would like to propose that we set up a competency-based exam as follows: Co-opt the Chamber of Commerce; it has an education subcommittee. Use the various organisations that make up the Chamber of Commerce—the Law Society, the Bar Association, the Bankers' Associa-

tion, the Merchants' Association, the Society of Professional Accountants—along with staff of the Education Department. Using someone like Mr. Herbert Crawford, who is eminently qualified (as are others), draft a curriculum that would offer some competency based examination which these students could take, which would be recognised by the Chamber of Commerce and all its affiliate organisations.

Every student coming out of high school would sit this exam at some level. It could be structured with various levels, as the CXE. There would be a minimum of three tries at this exam, the first at Year 10; and if you were not successful, you would try again in Year 11. For those terminating their education at the high school level, there would be another try at Year 12. It is assumed that those going on to tertiary education would pass it at the first sitting in Year 10. They would be ready to move on and prepare for their external exams. Students going into the technical vocations would be similarly routed. But students who have difficulty attaining the competency would have a minimum of three tries at the exam before they matriculate. Any well-taught course should bring the students up to a satisfactory level of attainment by Year 12.

I would assure that the matriculating point is closer to 18 years of age, here's why: If at that point the student decides that his education will be terminal, he will be in a position to assume legal responsibility. That is, he could go and be a teller in a bank because he would be legally accountable. That is also the age he could vote, or even get married. It makes sense.

Finally, if he wanted to go to a college or university and did well, then he could move right in at that age. What happens when students matriculate earlier than that? We have a problem. Some have to wait until they reach a certain age to qualify for a scholarship or hold certain positions, or get accepted at a university. So, that seems to make sense.

I would go further in terms of social development. I would ensure that students have a sense of community and responsibility by encouraging them to enter an organisation, such as a national youth service. While they are going to school they would spend one afternoon a week doing something to help the community—reading for the elderly, visiting the Pines and the Hospital, doing volunteer work in a church or community group, teaching netball, teaching literacy classes, teaching basketball, working with infants, mentoring. I would encourage them to give a little back one afternoon per week.

Talking about mentoring, I would ensure that they themselves are mentored. In this country we have an agglomeration of multinational companies and corporations. I would encourage one day per month, preferably a Friday, that a senior staff member take some of these students whose education would be terminal at Year 12, into the office to afford them a hands-on experience of what office and corporate life would be. They could explain how an office works, the routine, and what their appetites for the world of work. It doesn't take billions of

dollars to do that, just liaise with the Chamber of Commerce and the Education Department.

I am not talking about what's in place now, work experience. I am talking about something more formal. Even the work experience projects can be improved because I have seen students turn up at job sites and there is little to no exchange as to the role and responsibility of the people on the job. Even that can be better organised. I have even seen students sent for job experience on potentially dangerous work sites, ill equipped.

When I mention mentoring, I am talking about something entirely different. I am speaking about preparing people for middle management and upper level management by whetting their appetites and making them understand what is required in that role. The mentoring could also be expanded to take into consideration those who are about to fall through the cracks, those that suffer from lack of self-esteem or self-confidence.

These concepts did not originate with me. Many other members have similar ideas. I wonder why we are not implementing these kinds of strategies. Are we limited only to those emanating out of the Strategic Education Plan?

It is necessary for us to take this view. If we don't we will be here until the next century still saying the same things, and praising ourselves for high success rates. In the meantime, the prison is full, the youth detention centres are full, the counselling centres are full, and we still have problems.

It is crucial that we attract young people into the teaching profession. The only way we can do that is by dangling a carrot before them. I frequently mention the programme I saw in the US, called Teach for America. They have a big advertisement. What about Teach for Cayman? We will take two or three years for a start. Like the armed forces, they encourage you to enlist for a two-year tour of duty and hope that by the end of that they have so impressed you that you will sign on for a longer time. Some people make a career of the armed forces.

Teach for Cayman: Give us two years of your life after college. And some may find it so attractive that some people may stay (as Frenchie says) "feyeva." We can begin addressing the shortage by doing this. There are many longstanding non-Caymanian teachers in our community. We can begin by making them Caymanian! I believe these people deserve that. They have given many years of their lives teaching our children. We should sweep them up, encourage them to remain. We should set an example to similar persons by first recognising the contribution.

Many of them would love . . . some have been teaching here going on 30 years. I think that's the least we can do—recognise them! And if it's their desire, and they meet the criterion, they should apply to become Caymanians. Heaven knows we need teachers. And then try to attract a pool of younger ones.

It is my information that in one school alone, we have five young Caymanian teachers who will be leaving. Why? Because they have not been shepherded properly. They have been working in surroundings where

they are not getting the kind of encouragement they deserve. You can't put some of these people into the kinds of situations we have now, cold turkey—no guidance, no orientation, no proper recognition. The system has to work for them.

It is clear to me that there is a breakdown in communication. I want to get something off my chest, and this is the opportune time: Let me tell you what kind of critic I am. When I look at the education ministry and department I can see that things are not in sync. One is across town from the other. They tell me that they have rats in the education department. Give me a break!

That building is not conducive to the atmosphere that you need to promote learning—a set of hodgepodge cubicles. And I wonder when the minister last visited the education department. He should visit there once a month. He should have coffee with the staff once per month. The department should be within walking distance of the ministry, not across town. And it shouldn't be anywhere the minister is afraid to go!

We have to improve the lines of communication. It must be a place the people who work there are proud of. Certainly, they shouldn't be working in surroundings that rats inhabit.

How? We have to find a way to encourage young Caymanian teachers to remain. I hope the minister is aware of and will investigate these five cases.

And there's something else, the organisation has to be structured in such a way that the staff can feel the minister is accessible to them any time they have something important to say. The minister should take it upon himself to visit them; he should not wait until he is called. I would have coffee with these persons at least once per month. I would set aside one morning where we have a two-hour coffee. I wonder if the minister will say, when he replies, if that is his practice now.

I have to wonder how the Minister of Education married Education with Planning and Cayman Airways. You can't relate them, by any stretch of the imagination. The Minister of Education should also be the Minister of Culture.

[Inaudible interjections]

**Mr. Roy Boddén:** Members are privileged to make a little jest. But, Mr. Speaker, this is what the honourable Minister of Education had to say on 11 November 1994. He said: "**When the results are good, then it is obvious that the system, and myself . . . I have to say that I have put in a lot of effort in Education. I put more into Cayman Airways, but my heart has been with education for many years because I have quite a few degrees myself.**" What I want to emphasise is that he put more effort into Cayman Airways than he did into education!

[Members' laughter]

**Mr. Roy Boddén:** I am not blaming the minister. But I am saying that something needs to be done. You give

him education . . . Cayman Airways is failing and then Education is failing . . . we can't expect him to work miracles! And then, when you remove his PS to do the Vision 2008 exercise for 18 months, it's no wonder we are floundering and wondering if we have any kind of education system. We need to get better organised.

Long ago I suggested to the minister that for the functioning of the Education Council, he should remove himself as chairman, and set him instead where he would be the final court of appeal if necessary. But when the minister sits as chairman of the council, he is not in a position to do anything to any decision the council makes unless you want to appeal from Caesar to Caesar.

There is no greater example of the quandary the minister finds himself in than that raised by the Third Elected Member for West Bay yesterday afternoon, querying the awarding of certain scholarships. The minister is in an awkward position. The minister, were he not the chairman of the council, could take the decision to say to the council that there is a problem and they need to reverse the decision. Or, the minister could overrule the council if he so desired. But now we are in a quandary. The minister is the chairman. And although he wasn't there and not a part of that particular decision, he is stuck.

The minister promised he was going to look into that. Well, I assume he is still looking into it, because he's still the chairman of that council.

I believe that we have to develop lines of communication and trust where the minister can step aside. I am a great believer in delegated responsibility. I hold authority, but I delegate the responsibility. That's how my system would work. The buck stops with me, but I farm out the responsibility. Then, if it's not done, I will know what to do. I would not have to be the chairman. I don't need to know what went on. But I would set it out so that at any time I could say '*You haven't fulfilled your responsibility because these are your responsibilities. And let's not forget that it is I who holds the authority.*' We can improve. We need to work on improving the system by effecting these kinds of changes.

We need to decide if we are going to duplicate resources. What is government's role and responsibility as far as this is concerned? We now have the Community College of the Cayman Islands (CCCI), which is the government's college, and we have the International College of the Cayman Islands (ICCI). ICCI is registered as an institution of higher learning, but it does not bear full government recognition. I don't know what government has been waiting on to give the college recognition.

If it needs help meeting certain criteria, why does government not offer that assistance? Certainly the government sends students there, awards scholarships. But, when it comes right down to it, government does not recognise degrees awarded by the institution, in terms of employing the graduates. There is no reason why ICCI and CCCI have to operate in mutual exclusivity to one another. They should complement one another and be encouraged to develop to the point where they utilise

common resources, be that faculty, libraries, or surroundings. Otherwise, it's a waste of resources in a small country.

I want to say something about the debate over the awarding of scholarships. I have to say that there is a case to be made for Caymanian students to be encouraged to study in the Cayman Islands up to a certain level. But, on the other hand, one of the essences and functions of tertiary education is the broadening of the experience. So, I do not believe in legally constricting Caymanian students to study at the Community College when they are accepted at institutions abroad. Although, there is a sound argument saying there is a savings in money.

I have always argued that you can't equate saving money to education. While we may be saving a couple of thousand dollars in school fees, what are we doing for the development of the mind by offering our young people opportunities to mix and meet people from other jurisdictions, to gain an experience they can only gain by living in a metropolitan city, by developing a cosmopolitan attitude.

Ask anyone who is well travelled how they rid themselves of certain prejudices—they lived among these people! That is not written on the certificate or degree, but it is an experience carried in the soul. You can't restrict them to the Community College for the first two years. It's true we can save thousands of dollars, but what about . . . Mr. Speaker, have you ever seen an educated idiot?

[Members' laughter]

**Mr. Roy Boddén:** They exist, I can assure you. They know it from reading, but they are so shallow that if you take them . . . *'I not goin' by them'* . . . and they have no respect for persons from other cultures, who have other mores. These are the things we have to be careful we are not encouraging when we restrict them.

Unfortunately, we cannot always equate learning and savings. Sometime we have to spend. The greatest education is the education people get from travelling, conversing with strangers, living in cultures other than their own and so forth.

I want to talk about the move to develop a teacher education programme. I commend government for exploring the possibilities. But, were it I, I would have sought other institutions to align my college with other than the University of Miami. Here are my reasons: The University of Miami is one of the most expensive as far as tuition goes, in the United States. And significant too is that it is not a university known for its teacher education programme. There are other universities much more widely respected for their teacher education programme.

I have always held that the best teacher education programmes aware concurrent degrees. There are four universities in Ontario which offer concurrent educational programmes—Queens (of which I am an alumnus), York, Trent, and Lakehead. The advantage that Caymanian students would have is in foreign exchange. The

concurrent educational degree programme is designed for school teachers. It's a four year programme that allows you to acquire in three years a degree in the discipline you are going to teach, whether that is sociology, history, economics, literature, and in the fourth year you get a Bachelor of Education Degree which is the teaching equivalent where you take courses in classroom management, educational psychology methodology and so on.

Compare the advantages of that—two degrees in four years to one degree in three years, which is only a Bachelor of Education Degree. A Bachelor of Education Degree only allows you to teach at the primary level and below. When you have two degrees, one in the discipline you are going to teach, and a Bachelor of Education, you are qualified to teach at the graduate level, that is high school and beyond.

I would think that it would be more advantageous for us to explore. It's interesting that Bermuda took that route. They had an agreement with Queens University in Kingston, Ontario to come down to Bermuda in the summer. All the University required was that they have 12 students and they would send a professor down. I would like to see us explore that possibility.

The final year is spent entirely in Ontario. The other times they go up for the summer and do course work in between. Certainly, with distance learning and computers we could access that. But the arrangement with the University of Miami is but a start. I don't want anyone to believe I am going to give them an A for excellence in that. I know we could get a better deal. I have always said that I would encourage young Caymanian teachers to go the concurrent route where in four years they get two degrees.

Most people who go into teaching want to work their way up as they get more experienced. So, the minister should think about that as a way to effect improvement. Get me right now, I am not criticising what has been done. I am saying that to my mind there is an alternate and better programme available. But what we have now with the University of Miami can suffice as a start.

I believe it is necessary to go back to the business of scholarships for the first two years at the Community College. I believe it is necessary for the minister to take that under advisement and be as flexible as possible. I would personally prefer a purely voluntary system. I would think that that arrangement could best be handled where persons are young and not sufficiently sure of themselves. Sometimes people coming from a small jurisdiction, like the Cayman Islands, into a large university setting are intimidated. I was at the Carrier Dome with 16,000 screaming basketball fans. You can imagine someone coming from Cayman . . . those kinds of experiences can be intimidating and not all Caymanians would wish to go. But it should be their decision.

What I would do, were I in a position to advise the government, is put a little candy on the Community College and make the students say it's more advantageous to go there. They can stay at home and it's less money . . . but to make it a blanket policy may be counterproduc-



tive. We have already seen some objection to it. What I have offered is not by any means comprehensive. It is but a skeleton of where I see the system could be improved.

I want to make some broader statements, taking into consideration some sociological and cultural perspectives. I don't believe that anyone in his right mind would condemn the education system that presently exists. But to say that there couldn't be significant improvement would be a stifling of one's conscience. To say that the system does not have some weaknesses would be to see out of Napoleon's eye.

In the past, when people like me tried to critique the system, we were shot down. They don't like the message, so they discredit the messenger. Well, I have come to a point in my life where it really doesn't matter to me, except that I speak the truth and say what my conscience tells me to say. I am not aspiring for anybody's seat—as we are sometimes given to saying. I am content within my soul. To say that I don't have ambitions to be the minister of education would be a lie. But for me that's not the end of the world. I believe that my constituents know my capabilities. That is why they have returned me three times, and will hopefully return me for a fourth. But I also believe that I have a lot to offer in terms of where the country should be going educationally. And I am prepared to offer that, even if it's only from the Backbench.

I hope that what I say is taken in the right light and my ambition is to one day get to the point where I can practice what I preach. I have to preach now, because I have never been in a position to put into practice what I preach. And what I preach is sound doctrine. That is the only thing I can lay claim to, the only certification and accreditation that I have. I am not an accountant. I am not a lawyer. I am not a legal secretary. I am not a doctor. I am just a trained teacher and qualified educational administrator. In spite of all the books I have read, that's the only thing I hold any accreditation in.

It's important to say that we have to recognise that one reason we are plagued with the crime we are plagued with is because we have a failing education system. That's a given. It's obvious. Check it out: all the people in the alternative education centre, CIMI, Northward Prison (the young prisoners), all of them have failed educationally. But what is so striking is that we have not learned anything. Our position is no different than it was in other countries a long time ago and still is in many countries.

I want to read from a book entitled *Market Education: The Unknown History*, by Andrew J. Coulson.

**"In 1841 Horace Mann, the godfather of American public schooling promised, 'Let the common school be expanded to its capabilities. Let it be worked with the efficiency of which it is susceptible and nine-tenths of the crimes in the penal code would become obsolete. The long catalogue of human ills would be abridged.'"**

That was spoken in 1841. Our school system has failed, and is failing because what it is not transmitting is

knowledge, skills, and values necessary for our people to make it. We have to find a way to address this failure. It will have to be an integrated holistic approach in which not only education is responsible, but where there is a partnership between allied ministries—social services, community development, education.

I have to say that is why some of the things the First Elected Member for West Bay attempted when he was minister of community development grabbed my interest. I believe that his heart was in the right place. He saw that he could only be successful if there was an incorporation of efforts, allied efforts from other ministries. If only more of us would realise that we need to pool resources, share ideas, make concerted efforts.

The family in the Cayman Islands is at grave risk. Many times I have heard the Fourth Elected Member for George Town say this, using his sense of sociology and society. But I have heard other people say it too. We need to address this if we are going to have a better educational system. We need to stop this rot of the family, we need to stem the tide of the family backsliding. And we need to find a way to help those families at risk. But we first need to identify them.

I read a long list of criteria we can use. But it's important to do it in such a way that we don't strip them of their dignity, that we don't addict them to a social welfare system. We have to make them realise it's a partnership.

In an age where school fees are going up, where electricity, interest rates, and all these things impinge upon the poor, how are we going to do this? Clearly the old plan has not worked, and is not working. We need new ideas. We need a new approach. We need fresh energy. We may need to rework the minister's strategic plan. We may need to trim, cut and add on. So, don't get stuck like a broken record on the plan of 353 people that it can't be wrong, that we can't adjust it, that we can't amend or change it. And we need to do that by bringing in new concepts, mentoring, new people with new ideas, and an infusion of new energy.

We need to improve the lines of communication. We need to find a way to get the education department closer to the education ministry. We need to make the minister understand that although his primary responsibility is that of policy, he must get involved somehow in the administration because they overlap. And we need to give the staff confidence and make them feel comfortable that he's accessible and listening. He needs to have tea and coffee with them sometimes and just chat. Let them let their hair down, as the expression goes.

Lastly, he needs to adopt the skin of an armadillo, and stop taking criticism personally. He needs to develop a sense of differentiation so that he can absorb the constructive and ignore the destructive. Stop talking about who has what degree and what experience, and what wealth. Say, *'If you have something constructive to say, then say it brother, cause I'm a-listenin'.*

That's the only way we are going to make it. We understand we have no control. The people put us here. We are all working for the betterment of the country.

These problems are mounting up on us and they need a solution. I hope I have made sense.

**The Speaker:** Does any other member wish to speak? The floor is open to debate. The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The motion that is before the House is an extremely important one. But the motion itself calls for a limited and specific matter. I would like to read the motion again to draw attention to this. It says:

**“WHEREAS in any rapidly developing country the level and diversity of education offered by the public system is of vital importance;**

**“AND WHEREAS it appears that the educational demands created by the rapid economic development in the Cayman Islands are not being adequately met by the present system;**

**“BE IT THEREFORE RESOLVED that the Minister of Education, acting under his constitutional responsibility to deliver policy in the area of education, set out a properly prioritised plan, including costs and specific timing of implementation to address the present needs in the public education system.”**

What is being asked for here is to set out a properly prioritised plan including costs and specific timing of implementation. We have a good education system in this country. It is not just me saying that the system is good, this has been said by other people in more objective and non-political positions. But, it's not a perfect system.

None of us are perfect, and none of our systems are perfect. My duty, as the last member mentioned in the latter part of his speech, is to keep the system under constant review, and to do my best to keep my department and my ministry, the schools and the people involved doing their best to improve the system of education in this country. It's not that we don't have what this motion calls for at present. While it involves considerable detail, I will deal with it.

The Third Elected Member for Bodden Town said that no one in his right mind would condemn the education system, but it has some weaknesses. That's a true statement. It's a fair statement.

The Education Development Plan, the first one (1995 to 1999), was the first education plan this country had in this detail. I originally dealt with a plan back in the late 1970s, in fact it was a plan for Health, Education and Social Services. This plan holds a sound and proven system and plan for that system, giving a lot of detail and it is one that has the acceptance of the people of this country and members of this honourable House and the government. So, we have a five-year plan, the first strategic plan this country has seen.

This plan is detailed. It has objectives in the action plans, sets out who is to carry it out, the cost and it sets a time or implementation date. So the ingredients are there. There are over 100 action plans, the vast majority of which are in operation. This plan deals with the specific strategies that are set out in that. The first nine set

out the basis for a sound education system. I would just like to read those strategies because they form the basis on which the whole system gets the necessary momentum to develop.

**“1: We will establish a national curriculum with standards at every level which will fulfil the needs of students of every ability.”**

**“2: We will develop personalised education for each student that ensures his/her success.”**

**“3: We will establish throughout the system individual and school accountability while preserving the unique character and effectiveness of each school.”**

**“4: We will identify and counteract the social problems affecting our students' education.”**

**“5: We will strengthen the relationship between parents, students, and educators.”**

**“6: We will develop the spiritual, moral and social character of each student to the highest possible standards.”**

**“7: We will ensure the continuous development of all staff, with emphasis on elevating the status of the teaching profession.”**

**“8: We will identify and capitalise on all available support services and resources within the local and international community, to achieve our mission.”**

**“9: We will provide and maintain all necessary facilities that are required to achieve and support our stated mission and objectives.”**

Those strategies are good. They have stood the test of time and many of them have been implemented. If, having produced this plan, it had remained stagnant and developed no further, then I could understand some of the arguments that came forward in relation to this. I know the last speaker referred to an update to the education plan, new people new ideas, and improve. We have done just that. This plan has been updated annually, with the exception that Vision [2008] came out. So there are three updates to this plan.

I would have hoped that the member would have acknowledged the fact that we have had three updates to this plan. These have been done on an annual basis. In each year there is an assessment of the strategies and where they have reached. An implementation report is made and implementation update on the 105-odd action plans we have on the nine strategies.

So, there is an annual monitoring of the education plan; there is an annual update of the education plan and this is to a large extent done by the original 31 key members who put this plan together. From time to time those updates have recommended either that we change some of the plans and more recently, the last update done (which would have been the third update) recommended a 10<sup>th</sup> strategy, which reads, **“We will create dynamic learning environments which will guarantee lifelong independent learners in a globally competitive society.”**

This education plan is alive. It has been updated three times already, and again just recently. It has been extended and amended.

The Mission Statement has also been amended. My reason here is to show that this is not a stagnant plan, but a very live plan. The Mission Statement has been amended, and reads as follows: **“The Mission of the Cayman Islands School System—a committed partnership of students, teachers and parents, and the community—is to guarantee the continuing development of the unique potential of each student through dynamic learning environments which are responsive and relevant to local and global demands and which promote the common good of society.”**

Amending the Mission Statement shows that the things said by the last speaker about there not being change, and about my being thin-skinned and not being able to take change and criticism goes to show . . . here's the proof. This has been amended and I have accepted it. So I have no problem with that. I, of all people, accept that the human race is subject to error, and their duty is to reverse any errors that may arise. Therefore, I have no problem at all.

I listen to the suggestions coming from the public at large. But they have to be suggestions that come with some solution. Criticism can be done by anyone, but constructive solutions are what is needed to advance the education system. I have no problem whatsoever in guaranteeing to the public that the Five Year National Strategic Plan is good, vibrant, subject to change, and as long as I have been Minister of Education, I have never resisted anything that has come forward from the dedicated group, not only those who originally put this together, but those who update this annually.

We are not dealing with politicians, we are dealing with professionals experienced in the profession and they are people who have the knowledge, experience and education system at heart. They have also provided a number of action plans for that last strategy that stretch over quite a few pages. They have actually provided four action plans. These look at matters such as cost, benefits and the tangible and intangible aspects of each of these action plans. They set out the action steps, the same as the plan itself, and to who it's assigned, the starting date, due date and completion date.

It is far from correct that the education system is not well planned and that there is no necessary timing and costs in the highly detailed plan that exists. That is the reason why I can safely say that the education system in this country is equal to or better than what it is in other Caribbean countries, and comparable to education systems in the world. We only have to look around us.

If the education system is to blame for crime, as was alleged—and there are many contributing factors to crime, let me say—and if the other Caribbean countries have such great education systems, why are they so rife with crime? We are lucky in this country. When we look around us, where we are having serious crime every day, and then to try to compare us and say we are not up to the education standards in other Caribbean islands

and that is the cause of crime is really using a very poor example. Crime in this country is lower—and I can say that without exception—than anywhere else in the Caribbean. But crime does not come about as a result of the education system alone in any country, it comes as a result of complex social, educational, political—political!—factors because many times the undercurrents in a country that caused the strife that destroyed them originated in politics. We have many examples of that.

There can always be improvements. Government knows that. I know that. This House knows it. But we have come a very long way and the facts are there to prove this. In fact, later on I will deal with some of the facts that relate to our position in education. We have what is undoubtedly a good education system, which is being improved.

I would like to look at areas that are important to the education system, but to come back to each in more depth. I will be giving an overview showing where the updating of the system has been.

Site-based planning is a vibrant part of the education plan. It has played a vital process in each individual school's uniqueness. During 1998 to 1999, the Lighthouse School, the Spot Bay School, Creek, George Town Primary Schools completed the site-based planning process. Five other site-based schools were monitored and some had updates from their original site base process.

The third educational plan update which was held, and a new mission statement created, that was to take into account and include in the new mission elements from the Vision 2008 National Plan. We have had to take into account the Vision 2008 Plan because concerns were raised. We polled 1000 people—

**The Speaker:** May I interrupt you for one moment?

**Hon. Truman M. Bodden:** Yes, sir.

**The Speaker:** In accordance with Standing Order 10(2), we have reached the hour of interruption. The Honourable Minister responsible for Education, Aviation, and Planning.

#### **SUSPENSION OF STANDING ORDER 10(2)**

**Hon. Truman M. Bodden:** I would move the suspension of the relevant Standing Order so that we can continue until 5.00 this afternoon.

#### **AGREED: STANDING ORDER 10(2) SUSPENDED.**

**The Speaker:** Please continue, the Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The Vision 2008 National Plan, the Ten Year Plan for the three Cayman Islands, stated in relation to the Education Plan, suggested the new strategy of creating dynamic learning environment guaranteeing lifelong independent learners in a globally

competitive society. Emphasis was placed on this in the Vision 2008 National Plan, the ten-year plan for the three Cayman Islands and we have already accepted the change in relation to that.

One important area that I will deal with in considerable detail is the inspection of schools. We no longer need to stand in this House arguing about what standards the schools have, or the education system. It can never be said that the education system is not transparent. An independent Inspectorate inspects the schools and publishes a report. I can assure members and the public that if I or my ministry, or the education department had something to hide, we would not be putting inspectors in and publishing reports.

In 1998 and 1999 the following schools were inspected: St. Ignatious Prep and High School; Cayman Brac High; Savannah Primary; Creek Primary; Red Bay Primary; John Gray High School; Triple C; George Hicks. These inspections were published. We also requested that the schools do action plans on how they will deal with the problems in the school.

Action plans have been received from: Cayman Brac High; Creek Primary and there has been one follow up inspection report published on the Cayman Brac High School.

It would have been good for members of this House to have seen what the children can do in the arts. There is always talk about more culture. I think reference was made by the Third Elected Member for Bodden Town about no teaching of culture and civics. At the National Cultural Acts I think maybe 200 or 300 areas of visual art performed. They won certificates and plaques for performances in songs, dance, instrumental music, speech and art. That's one of the ways we have developed areas that are not directly the three R's, but are important to building the overall child.

In that 1998/99 Report, the Wesleyan Christian Academy won the prize for the school with the most music cups on Grand Cayman. Spot Bay Primary won for Cayman Brac. Along with this we have seen the annual Math and Science Exhibition. These create the competitive atmosphere so important for advancing the education system in this country.

Unlike some of the countries that were mentioned earlier where there exists a public education system and where up until a decade ago socialist policies had snuffed out some of the best private institutions in those countries, we have allowed the private schools to flourish and compete with government schools. It's only through a genuine competition that we can push the system and the schools to their max.

With the exception of maybe one member, I don't think members here saw the Math and Science Exhibition. Once again I should say that it was also held on Cayman Brac at the Aston Ruddy Centre. On Grand Cayman it was at the Harquail Centre. I would like to thank the British American Bank for sponsoring it.

The Mathematics Association formed in September 1998 . . . members are drawn from government and private primary and secondary schools, and meets monthly

to discuss professional issues. I am raising this to show that the education system is alive, vibrant and up to date.

We have the annual Spelling Bee that places children in the schools against one another in this important area of the three R's. That was held in mid-November of 1999 with Carla Nyak of the Creek Primary taking first place, and Sherri Smith of George Town Primary taking second, and third place also going to George Town Primary. That was perhaps the best example of how a school which was once not of that high standard, where George Town Primary under the very able principalship it now has, has come into a first class school, which took two of the three top trophies in the annual Spelling Bee. We thank the Royal Bank of Canada for sponsoring this. Sometimes we don't appreciate how much the private sector assists education.

National Education Week is held annually. This year it was held from 15 to 20 November. The theme was "Let's celebrate reading—dive into books." Over 3,000 attended that fair at the Lions Centre. We thank the Lions for their assistance. If the education system was not open to improvement, we would not see this amount of enthusiasm in it.

The primary school band is another area where we expand beyond the three R's. It was established in October and is a tremendous success. We have many other programmes that have contributed to the well-rounded school child. We have a marine environment project that with the help of our teachers, the department of the environment and the United States National Aquarium has assisted in broadening the children's horizons. These are good.

[Inaudible interjections, and members' laughter]

**Hon. Truman M. Bodden:** They appear to be laughing matters, but they are important to the children.

**Mr. D. Kurt Tibbetts:** Don't start that.

[Inaudible interjections]

**Hon. Truman M. Bodden:** These are serious and important areas, especially in the Cayman Islands where we have such an important marine environment. It's important to the very existence of these islands.

The summer school programme for primary age students is partly sponsored by the education department, the parents and the business community. It's a joint partnership effort. It's facilitated by the education department's principals, teachers and special needs staff. It is conducted at various primary schools in Grand Cayman and Cayman Brac.

The major goals for the summer school programme are to provide varied educational experiences that will motivate students desire to learn the basic subject areas and to teach students specific learning strategies that will assist them in mastering and maintaining appropriate scales in reading, writing and problem-solving. The

stress is placed on the three R's, but we cannot confine our children to those alone. We have to have the well-rounded child.

Over the past five years (started during this government's time) the programme has grown from strength to strength. In 1999, I am very happy to say it attracted 375 students. These are children who otherwise would not have had sufficient to do within the community. So the education system is doing its part in society.

But there are many, many complex components that make up what creates the problems in society. But I would just like to mention once again, for every child that falls by the wayside, there are probably another 200 good students. We have at some stage to acknowledge them because many times the stress is only put on a system when in fact we have 99% of the students who are dedicated. They take their education seriously and no praise or acknowledgement is given to the education system for that 99%. The whole system is attacked because of that 1% that fail.

There are other areas, such as the Commonwealth Essay Competition. This country competed with some 8,000 essays internationally. A child in the Cayman Islands won in one of the alphabetical categories. The standards are there. The performance of our young writers is there.

We must remember that here we have both the private and government schools competing against the rest of the Commonwealth. That is basically against one-third of the world. There are 50-odd countries in the Commonwealth, and one-third of the people in this world live in the Commonwealth.

An important part of the continuing development of education in this country is the annual education conference. It started during this government's time. It basically pulls teachers from private and public schools together. Its aim is to ensure that the human side of teaching remains current and is not lost. It puts together many educationalists from varied backgrounds, different schools, in workshops and at the conference. They can look at the problems, the successes, weigh the advantages against the disadvantages of the school system. I repeat: We have to remember there is a highly competitive school system with one-third of the students of this country in it taking part in the national education conference, but in the system as a whole.

We don't have what has prevailed in some of the Caribbean countries in the past under a socialist system where there is a sole system of education that is dominated by government. There's no way of telling what the standards are. The only way to do that is to keep the education system democratic, open, competitive and thus vibrant. With so many private schools in the education system it is very easy to compare standards, results and to ensure that the system is run in the best development of the country.

The theme this year was brought by a consultant out of California.

[Inaudible interjections]

**Hon. Truman M. Bodden:** Mr. Speaker, I think it's about time . . . I am wondering if we can adjourn. With your indulgence, may I ask that we stop here?

**The Speaker:** I would entertain a motion for the adjournment.

## ADJOURNMENT

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM, Wednesday.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM, Wednesday, 21 June. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.45 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM, WEDNESDAY 21 JUNE 2000.**



**EDITED  
WEDNESDAY  
21 JUNE 2000  
10.50 AM**

*[Prayers read by the Honourable Minister for Tourism, Commerce, Transport and Works]*

**The Speaker:** Please be seated. The Legislative Assembly is in Session. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have apologies for late attendance from the Honourable Third Official Member who will be arriving later this morning, and I have received apologies for absence from the Third Elected Member for Bodden Town, who is off the island on official business.

Item 3, Questions to Honourable Members/Ministers. Question No. 19 is standing in the name of the First Elected Member for West Bay.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 19**

**No. 19: Mr. W. McKeeva Bush** to ask the Honourable Minister responsible for the Ministry of Tourism, Commerce, Transport and Works who decides what road works and other Government projects are undertaken in the district of West Bay.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Road Works: Routine scheduled maintenance such as grass cutting, verge clearing, pot-hole patching, stripping and signs' maintenance and drainage related activities are programmed by the Public Works Department Roads Section. These works are authorised by the Chief Engineer based upon the funding approved in the Budget for Roads Maintenance. These maintenance activities are required to preserve the capital investment in the road network.

Minor road repairs are treated as maintenance activities. This is because of the importance of keeping major roads functional at all times. Major road repairs to collector or access roads are treated as capital projects and are done on a district basis. Annual road visits are made by district Members of the Legislative Assembly, Public Works Department and the Ministry of Tourism,

Commerce, Transport and Works to view which roads require work. The Public Works Department then compiles a report containing the estimates for each project, as well as a recommendation of which projects should be carried out.

Recommendations are based upon criteria such as importance of the project to traffic safety, drainage and number of residents affected. Following review of the report and consultation with the district Members of the Legislative Assembly, the Ministry of Tourism, Commerce, Transport and Works then authorises Public Works Department to carry out the road project.

Capital and Minor Works: Capital and minor works' building projects are proposed by controlling officers at Budget time and approved through the Budget process by Finance Committee.

Social Services Housing Assistance Programme: Requests for projects under the Social Services Housing Assistance Programme are assessed by the Social Services Department who then instruct Public Works Department which projects to proceed on.

Maintenance Projects: Public Works Department schedules maintenance activities on all Government buildings in West Bay with the exception of the West Bay Clinic which is maintained by the Hospital's facilities management section.

**SUPPLEMENTARIES**

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Can the honourable minister say how many district MLA road visits have been scheduled in the last two to three years?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I don't know if I can give the details as to which year it was, but ever since I have been responsible we have had road visits in Bodden Town, West Bay, and George Town. We have had consultations with the Member for East End and the Member for North Side, from a list of roadworks prepared by PWD and recommended by them. Those two Members of the Legislative Assembly decided to act from the programme work proposed and recommended by PWD. So we didn't make a road visit in North Side and East End in the last year. We haven't done it this year.

But, as a result of the decisions by the MLA from East End and the MLA from North Side to agree with the recommendations of PWD, road works were carried out in both districts in each year.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** More specifically, I wonder if the minister can say when the last visit was scheduled and who accompanied him, that is, on the visit to West Bay?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The recent visit to look at roads in the district of West Bay was taken from a number of requests made to the ministry and directly to PWD by some Members of the Legislative Assembly. When we scheduled the visit, we made various calls to Members of the Legislative Assembly. We left messages and were not successful in getting together. But, because we were moving on to the rainy season, we felt it was in the best interest to carry out the road visits to look at all the roads being suggested, both to the ministry and PWD, and have PWD do an estimate of each of these roads, and once that estimate is prepared we can come together with Members of the districts and decide on what roads should be done.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the honourable minister say when he expects to get that list? And what time did he actually visit the district? What month?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** To the best of my knowledge it was about one month ago. I expect to have the estimate from PWD . . . the officer concerned is off the island, but I expect to have it within the next fortnight.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the honourable minister say if he intends to meet with the other representatives of West Bay to go through the list, not only on road works but on proposed buildings or capital expenditure for the district?

**The Speaker:** I would appreciate a motion for the suspension of Standing Order 23(7) & (8).

The Honourable Minister for Tourism, Commerce, Transport and Works.

#### **SUSPENSION OF STANDING ORDER 23 (7) AND (8)**

**Hon. Thomas C. Jefferson:** I move the suspension of Standing Order 23(7) & (8) to allow Question Time to continue.

#### **QUESTION PUT: AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11 AM.**

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I said in answer to the Third Elected Member of West Bay and the First Elected Member for West Bay quoted me correctly, that once the estimates are available on road works we will get together and decide which roads are to be done. We expect to have those estimates in a fortnight. The officer concerned is off the island at the moment. Other works within the district, buildings and other work, we will undertake to discuss as well.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I have been here as a member for 12 years. The policy has always been when road visits are scheduled for the district that they are scheduled as conveniently as possible to ensure that all representatives of the districts are available. Now, the present minister has only been in that position for the past two years. I am concerned that a visit took place in West Bay when the First Elected Member for West Bay was off the island. I got a voicemail the morning of the scheduled visit.

Can the honourable minister give us an undertaking that if any future visits are scheduled that every effort will be made to include the other MLAs from the district of West Bay?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The undertaking being sought by the Third Elected Member of West Bay has always been my policy—that all members be present. We called on a number of occasions, for him particularly. My office called and left messages. When I discovered that we had not had any reply from him, I called myself and left a message to basically say that the visit was on for that day at a particular hour. I did not hear from him.

While it is important for all members to be present, if PWD and the ministry have suggested roads to visit, it's a matter of getting PWD to the site and also for them to carry out the estimates which then come back to the MLAs for discussion and approval. So, I was not aware at the time that the First Elected Member for West Bay had not returned to the island.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the honourable minister say what is happening with street lighting in the community? There have been a number of requests—



**The Speaker:** I think that is somewhat outside of the ambit of this question. But if the minister wishes to, he may answer. The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I am not in possession of all of the requests that have been made to the ministry, and what has been carried out. I can assure that member and any other who has made requests for street lighting, that those requests have been forwarded to PWD who then forwards them to CUC. What we can do is follow up to see when exactly CUC will be installing the lights. I understand they ran out of lights.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the honourable minister say, in relation to the street lights, if he has done anything to see if there are any lights on the Fairbanks Road next to the sporting complex and Bobby Thompson Way? It's very dark, and I think I did mention that to him at some point.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The request came to me from more than one MLA of George Town. I can assure the Fourth Elected Member for George Town that a request has been made. I agree because I travel that road on many occasions going to functions. It is dark. We have made the request. We will follow up.

**The Speaker:** Are there any further supplementaries? If not, we move on to question 20, standing in the name of the Second Elected Member for Bodden Town.

#### QUESTION 20

**No. 20: Miss Heather D. Bodden** to ask the Honourable Minister responsible for the Ministry of Agriculture, Communications, Environment and Natural Resources if, due to the fast growing Island-wide litter problem, Government would consider appointing a Litter Task Force to deal with this matter.

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** The Department of Environmental Health is involved, on a daily basis, in the collection of litter. In fact, approximately CI\$878,000 (according to output budgeting) is allocated to litter collection on an annual basis. This figure does not include the effort put into the clean-up of illegal dumps which occasionally is required.

The Department is also involved through the media in anti-litter campaigns and has made inroads through

public education, especially in the schools, to counter the idea that littering is acceptable behaviour.

Nevertheless, the littering problem persists, although the Ministry has no information to support the premise that the problem is growing.

Other entities, such as special interest groups and the Chamber of Commerce, have come forward to aid in the fight against littering and these agencies are to be commended.

The Ministry and the Department of Environmental Health would be pleased to play an active role in establishing a task force to control litter and illegal dumping. This is a fight that we all must wage if we are to succeed in dissuading certain members of the public from spoiling our beautiful Islands.

#### SUPPLEMENTARIES

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** I would like to thank the honourable minister for that in-depth answer. Can the honourable minister say where the department is to date with the Zero Litter Tolerance 2000 programme put forward a few years ago?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** The department continues to work on the programme. As I mentioned earlier, we are working with the schools. We have the support of groups such as the Chamber of Commerce. We stand by what we said, and we are making every effort to make that a success.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would like to ask the minister if it is the policy of PWD or those responsible for the Environmental Health to charge persons who complain their properties are being used as a dump half the money in order to clean up the property.

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** There are fees in place for cleaning up of litter, for abandoned old cars, and cases where we have to go in and clean up other litter. I would say, yes.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** One of my constituents, Mrs. Madonna Williams from Sounds and Things, whose mother, Annie Bodden, has some property in the Watler's Road area where people have been dumping, has made it known to me that Environmental Health is requiring that she pay half. Can the honourable minister give an undertaking to look into this matter?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** I would appreciate if the member would give me the full details on the matter and I will have it checked out.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Can the honourable minister say how effective the legislation covering litter in these islands is? How many cases have we been able to bring before the courts? Can he outline the procedure for bringing someone who throws litter from their car window to court?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** There is legislation in place. Sad to say, there have not been too many cases where individuals have been prosecuted. It is my understanding that on one or two occasions individuals have been taken to court and charged. I really can't give an answer as to why people have not been prosecuted. I guess I would have to get that information directly from the police.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Maybe I can enlighten the minister before I ask my next question, having been involved in picking up litter from the sides of the roads in my district for many years. One has to get the car license number, the time the incident took place, the window the arm was seen coming from and stop and pick up the piece of litter to be able to prosecute.

Can the honourable minister undertake to look at the litter laws of these islands with a view to bringing them in line?

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** I have no problem with that undertaking. But it is a fact that until the general public exercises some civic pride in this country, neither the department, the police, the laws, the ministry, or anybody else will be able to curtail the problem we are faced with.

God knows that the Department of the Environment has been doing an outstanding job throughout the Cayman Islands. As far as manpower is concerned, they go beyond the line of duty. If a cleanup is carried out this week, just driving along the next week you will see that the garbage is back. So, until we have some civic pride in this country, I think we are in for a lot of problems.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** I know the Environmental Health Department does a fantastic job in trying to keep these islands clean. But I think one of the easiest ways to teach people civic pride is to hit them in the pocket. Maybe if we do get one or two prosecutions before the court with some heavy fines it may teach people that the country is serious about the litter problem.

**The Speaker:** Would you turn that into a question please?

**Mrs. Edna M. Moyle:** To turn that into a question . . . I guess it would go back to the honourable minister undertaking once again to have a serious look at the litter laws.

**The Speaker:** The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**Hon. John B. McLean:** Thank you. I have given the undertaking.

#### **QUESTIONS 21, 22 AND 23 DEFERRED**

**The Speaker:** Are there any further supplementaries? If not, questions 21, 22 and 23 are standing in the name of the Third Elected Member for Bodden Town who is off the island on official business. I request a member to move a motion to have these deferred to a later sitting.

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Given the circumstances, I so move that these questions be deferred until a later sitting when the member returns.

**The Speaker:** In accordance with Standing Order 23 (3), a motion has been moved that these questions be deferred to a later sitting. Is there a seconder?

The Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** I so move.

#### **QUESTION PUT: AGREED: QUESTIONS NOS. 21, 22 AND 23 DEFERRED UNTIL A LATER SITTING.**

**The Speaker:** That concludes Question Time for this morning. Moving on to item 4, Other Business, Private Members' Motions. Private Member's Motion No.

14/2000, Public Education System, continuation of debate thereon.

The Honourable Minister responsible for Education, Aviation, and Planning, continuing.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 14/00

##### PUBLIC EDUCATION SYSTEM

*(Continuation of debate thereon)*

**Hon. Truman M. Boddén:** When I spoke on Friday I started to deal with what had been accomplished in the area of education. I would like to develop that further by going back to where education has really come from, so that we can understand the position today in relation to where we have come from, and the heights we have reached in education.

I think it is important to the people of this country to see that education has been developing, not in the alleged ad hoc manner, but that the foundation of the modern education we have today has been painstakingly laid over a number of years by a number of governments.

I believe that when we look at the history of education and we look at where this country has reached in relation to other countries in the surrounding area, we can be very proud of the system of education.

Mr. Speaker, this motion seems to call for a review, a prioritised plan for education and we have reviewed the education system three times since 1990. Also, in 1993 for the National Education Plan and 1999 for the revised National Education Plan 2000 - 2005. To a lesser extent, it has been reviewed in the education strategy of Vision 2008.

Mr. Speaker, we know where the weaknesses of the education system lie, and we have put measures in place to counteract as many of these problems as we are experiencing.

Mr. Speaker, it is naïve to blame all the problems of youth on the education system. Many broad charges of a failing system have been made, but the people know the quality of education in these islands, and they know that by far the large majority of our students will be outstanding citizens of our community when they leave school.

Mr. Speaker, every community has some percentage of its citizens who do not become productive. Cayman is no exception to that. Every country has those problems but the duty of education, the duty of Social Services, the duty of the youth policies and the related policies must be to do everything within the joint power of Government and this Legislative Assembly to keep these numbers small.

Mr. Speaker, at present, we provide after-school programmes. We provide a range of extra-curricular activities. We provide summer school. We provide parenting classes for adults. We provide education for young parents. The government has assisted in the creation of a National PTA/HAS. The government provides counselling programmes, after-school programmes at all schools. There are drug awareness programmes provided by government, by QUEST and more recently by DARE. There are life skill programmes. There is moral and religious education, the service clubs, the churches, the youth clubs, CoDAC and society itself provides a vast range of programmes to assist young people.

We know much is left to be done, but we have done everything from the education side and from the Government side to assist all children, all youth in becoming outstanding and upstanding citizens of our community. The children who want to, can be involved in an ever increasing number of sports and the other activities I have just named. I don't think you will find a wider range or better managed activities in any other country.

Mr. Speaker, there are a few students who do drop out of mainstream society and we provide a safety net through the Social Services Department. What a young man or young lady decides to do with his or her life is largely a matter of motivation and attitude. We can work with students in these areas. They are not solely influenced by schools but by all areas that impact on a student's life—the physical, the emotional, and the social, some areas over which the schools have little control if any.

I guess, one of the difficulties that not only I as Minister of Education but I believe other Ministers of Education have faced, is that education is one of those areas where everyone is an expert. This is not unique to Cayman and it is true I am sure in many countries. I am not just talking about this House, let me just make that clear.

As Minister, I have to rise above the conflicting theories I get either from this House or from elsewhere and look analytically at where the problems really lie cutting through persons and their pet programmes. Until we see where the problems are then the solutions cannot be provided for them.

The education system was reviewed in 1990 by Mr. James Porter, CBE, and following this, a team from the University of the West Indies (UWI), which the United Nations Development Programme (UNDP) funded and which was composed of Dr. Brooms[?] and Miss Unipal[?]. With the help of local educators, [they] put together an implementation plan, which would put in place the Porter recommendations and which had in the main been accepted by the Government of the day—I was not in government at the time, sir. I guess, unfortunately, many good plans run aground when it comes to implementation and this is what happened to many of the good recommendations produced by Mr. Porter.

The implementation plan that was put together by the UWI team was unwieldy impractical and expensive. That is what I inherited in 1992. However, I realise that the Porter review, the document was a good document

in many respects. And I had a duty of finding a practical way to implement the recommendations. To do so, not just because it may have been from experts but because I felt it was the right thing for the students of the Cayman Islands and would not just be solutions that were lifted or imported from abroad. In other words, it had practical applications to the Cayman Islands.

In 1993, faced with the prospect of finding a new examination system (because the one that we were then following the GCSE was changing), I took a team of ministry and education department staff on a fact finding tour to the Bahamas, Bermuda, and to two examining boards in the United Kingdom—the United Kingdom Cambridge Local Examinations Syndicate, and the Welsh Joint Examination Board. It was during the time in Bermuda that we learned about the Cambridge Strategic Model, which they had recently introduced. We decided to investigate this further as a possible way forward for implementing what I saw then as an implementation dilemma.

At that time what we did was to ask the Heads of Department at the two secondary schools to decide on the option of which examining body they wished to use. This resulted in some opting for the Caribbean Examination Council (CXC), which started in 1995, and some for the GCSE.

Mr. Speaker, I believe that history has proven and will continue to prove that the development plan of 1995 to 1999, the National Education Plan, was the most significant step for education in the last fifty years because for the first time, the Ministry, the Department of Education, and the schools, were all heading in the same direction.

This is a policy document. Its mission, objectives and its strategies and action plans divided into three phases were agreed by the people within the education system, the public, the government and by this Honourable House. This type of sectorial plan (which, incidentally, has been rolled over for another five years) has become the Education Plan 2000 - 2005. It was the first in the history of the Cayman Islands and it became the forerunner of many other good strategic sectorial five-year plans produced after that.

Its emphasis on partnership, I would like to stress, opened the doors of our schools to parents and the wider community, and it created a culture of stakeholders where parents were accepted as having rights and responsibilities in overseeing the education of their children. The National Education Plan and its new plan, the revised National Education Plan 2000 - 2005, is one that has set clearly the policies that have been accepted by the parents, teachers, educators, and by the public as a whole. So, there can be no doubt that there is clearly in place a National Education Plan for this country acceptable to this House, acceptable to the people of the country, and it clearly sets out the time lines as it shows there is a beginning date for implementation, a time when it is to be finished and who will carry out the action plan and how much will it cost. Those four ingredients bring precision to this policy document.

Mr. Speaker, what we did next was establish (by policy, again) that each school site would develop site based management plans, which would translate the National Education Plan for that school's individual site. And by the end of this year, each of our schools will have developed their own site plans. Many of the schools are already well into implementation. I believe that if you were to ask teachers if they preferred working in the school before the National Education Plan or working there after the plan, there is no doubt that they would respond overwhelmingly that our schools have improved as a result of sharpening our focus and concentrating on the agreed platform for action as set out by the National Education Plan.

Mr. Speaker, what I think this motion is calling for could well lie in the new strategy—strategy 10, which has been added to the National Strategic Plan and which I would like to just deal with at this stage. I read the strategy earlier, it says, **“We will create dynamic learning environments which will guarantee life-long independent learners in a globally competitive society.”** There are a number of action plans, and once again, I stress as this motion has set out and naturally in this specific plan which has just come into effect . . . the columns that I am referring to will not yet have been filled, but in strategies 1 - 9 we will find that they have already been updated and many of them are already on the way.

What an action plan has in it are action steps. Firstly, there is the specific object of the action plan and this is, strategy 10, plan number one, **“To establish policies that will drive the implementation of the National Education Plans towards effecting the strategy.”** That then sets out the action steps and following that is a column for who it is assigned to, the starting date, the due date and the date of completion. So, the precision that is asked for in this motion has clearly set out the policy in the area of education. There is a prioritisation within the plan itself and as I mentioned not as a motion has asked, the costs are included in the plan and the timing of implementation which deals with the starting date, the due date and the completed date.

These are updated annually with the exception of one year when Vision 2008 was being dealt with. There have been three updates already on this five-year plan and a new plan has been produced with a new action plan. This is somewhat long but it sets out a cost benefit analysis with the tangible, the intangible and that is done on each of the action plans.

So, there can be no doubt that we have in place a clear policy. We have the specific dates for implementation and on the vast majority of the action plans, which there are 105 in the strategies, 1 to 9 and then there is a further addition of strategy 10 that I referred to earlier. This, by the way, came out of Vision 2008 and this is what the planning team developed.

Moving on to facilities that have been carried on, the physical side in conjunction with this five-year National Education Plan, the following projects have been completed:

- The construction of the teachers' centre in Cayman Brac.
- Construction of the staff room, the principal's office and one classroom at West End Primary School.
- Construction of a two-classroom block at Creek Primary School.
- Construction of the school hall and hurricane shelter at the John A. Cumber School.
- Construction of a library, staff room and administrative suite at the John A. Cumber School.
- Construction of a lovely four classroom block at the George Town Primary.
- Construction of the administration block at the Red Bay Primary School.
- Construction of two additional classrooms at the Red Bay Primary School.
- Construction of the school athletic field at the Red Bay Primary.
- Construction of four classrooms at Savannah Primary.
- A bus shelter at Bodden Town Primary.
- Construction of a two-classroom block at the East End Primary.
- Construction of exterior wall and parking lot at the North Side Primary.
- Construction of a three-room art block at the George Hicks High School.
- Construction of new changing facility for physical education at the George Hicks High School.
- Construction of a purpose built kitchen at the George Hicks High School.
- Air conditioning of the hall at the George Hicks.
- Air conditioning of the Islay Conolly Hall at the John Gray High School
- Air conditioning of the school hall at John Gray High School.
- Most important, the air conditioning of all primary schools in Grand Cayman and Cayman Brac.

A tremendous amount of work has been done on the physical side and a lot of money spent. And I would like to thank the Government and Members of this House for supporting me on these projects.

I will go on to give an update on where we are with the other projects that are being carried out at this time. The schools have never in this history of these islands been better. We have ample and good physical school buildings. There is sufficient furniture and supplies, at least in the last five years. Teachers always remind me of the days when there was not sufficient supplies in the schools. We have increased transportation and we are even going further with that in areas relating to seating on the buses. There can be no doubt that the government schools of this country are in far better condition, physical condition included, and the best resourced in the Caribbean and elsewhere.

Work on the National Curriculum has continued. It was started in 1996 with 75% of the core subjects being completed in 1999. We are nearly there. I agree, as the First Elected Member for George Town mentioned, there

have been some delays. I accept that. I do my best. But in this world, nothing is perfect. We are not perfect in here. There will be delays. But the important thing is that we move on in a proper way to upgrade and develop the school system.

We also completed development of the pre-school curriculum guide, a very important aspect. Unless we get a good base for the pre-schoolers, they will be less prepared to enter primary school. Those who have had a good pre-school curriculum fit better and improve quicker in the classes. We introduced the Spelling Bee Competition, and continued excellence in the National Children's Festival of the Arts.

We have also seen the introduction of the Week of the Young Child, all during the last few years, and expansion of the Book Fair to an all day event. We've had the development of learning packets in Years 1 - 6 for Cayman Social Studies. There's talk that we must in-grain in our children the history and culture of our own country, and we've gone a long way with that. We have seen increased numbers of music teachers at both the primary and secondary level. It is really good to hear the many bands that we now have within the schools. Four or five years ago it was nearly unheard of for government schools to have bands and music to the extent we now have.

Much has been done. Delays are not intentional. There are times when they are unforeseeable, or things take a bit longer. But when we look at this honourable House, the highest forum in the land, we get delays too. They are unforeseeable. It is a fact of life. But, I admit to the First Elected Member for George Town that there are delays at times. I admit that the system is not perfect—but it's good. Our aim is to improve the system.

**The Speaker:** Honourable Minister, can I interrupt you for just one moment? Is it the will of the House that we waive the morning break and continue until 12.45? Or do you want to take the break now?

**Hon. Truman M. Bodden:** Can we maybe have ten minutes, because I have been speaking for a length of time.

**The Speaker:** If we could go on to 12.45 and then take the luncheon break, waiving the morning break.

**Hon. Truman M. Bodden:** Sure, if it's your wish we can just go on. That's good.

**The Speaker:** Thank you. Please continue.

**Hon. Truman M. Bodden:** One plank of the national education policy recommended nearly ten years ago by Dr. James Porter, was the establishment of the School Inspectorate. I can tell you we are very proud of our Inspectorate. We are proud to see that a highly qualified Caymanian, Mrs. Mary Rodriguez, will be heading it starting in August.

I would like to take this opportunity to thank Mr. Victor Greene, CBE, our Chief Inspector, for a job well done, and for the fact that he has prepared and trained not only his replacement, Mrs. Rodriguez, but a cadre of occasional inspectors which will assist with the demanding inspection programme for both public and private schools.

I would like to say something about how this inspection works. It must be understood that it is not a matter of the inspectors going into the schools, merely saying what's right and wrong and leaving it at that. I would like to table a page to show an example of the action plan for the Cayman Brac High School that was developed by the principal and his staff following their inspection last year. So, it's not a matter of going in, as is sometimes thought, and just looking at the problems, coming back and reporting on the problems. It is one of assisting the school to fix the problems.

When the Inspectorate finds the problems, they ask the school to produce an action plan. This system is now advanced to a stage where . . . I will lay on the Table of this Honourable House a copy of one page of the action plan.

**The Speaker:** So ordered.

**Hon. Truman M. Bodden:** That, first of all, relates to teaching. And the action point that's referenced, "To provide more challenging teaching and work which is matched to the needs of all pupils."

There are columns for response, a time scale, who is to do it, the resources, the benefits. The response to that action point was "To review the scheme of work to include a full range of teaching strategies including IT, independent work, problem-solving, research techniques; Time scale: December 1999; Who will carry it out? All staff. Resources: meeting time, photocopy costs; Benefits: more motivated students/improved student scores."

The next response, "All schemes are worked to identify extension and support activities; . . . Benefits: lesson time more effective, and more appropriate work; Response: introduce targets in effective use of time limits in all lessons; Time scale: Easter 1999; Benefits: all staff; Clocks in rooms, faster lesson pace. Use of task list for students; Benefits: students will always have work and progression will be seen by students: Response: portfolios of excellence and examples of graded work to enable students to accurately assess their own work: Benefits: able students will be challenged, students will identify why specific grade is awarded enabling comparison with their own work and how to improve it; Response: make explicit aims and objectives for each lesson; Benefits: students will be aware of work to be achieved; Response: published levels of achievements within subjects so students and staff can set targets for improvement; Time scale: starting January 1999: Who will implement it: HODs; Resources: photocopy costs; Benefits: all students know how grades are awarded and how to improve."

This clearly shows that we are not dealing with an ad hoc system. We have a clear policy in place. The implementation is clearly set out.

The question of what standards exist in the schools of this country and where we have gone with the education policies have been clearly set out by the independent Inspectorate. We have inspected seven schools. Some private schools have also been inspected by the Inspectorate. Following the rule of transparency, no one can challenge the school system and say it is not transparent. We have seen where the reports are given to the parents and teachers. The reports are made public. If I, as minister, or the ministry of education or the department, had anything to hide, would we put independent inspectors in there and tell them to publish their reports? No. We would have done what had been done in the past—no Inspectorate, therefore no reports.

We have put beyond a doubt what the standards of education in this country are. And we are proud to publish it. It shows not only the strengths, but it also shows the weaknesses. One of the most important things with a body like a school inspectorate is that it puts beyond a doubt the talking and the rhetoric and the assumptions and presumptions within this House and in the public as a whole. If anyone wants to know the standards of the schools in this country, there's an inspection report. It goes to the parents and the teachers. It is nothing that is swept under the carpet.

We have a good system of education. Until a system is mature it cannot bear itself to the public, showing its strengths and weaknesses, and most important here is how the problems will be fixed. I have no doubt that even when those problems are fixed the Inspectorate team will go back and look at things again. But, they will go in a constructive way, not the destructive way we see so many times in politics.

I feel that we have nothing whatever to hide in education or in the schools. One of the things I know annoys one member, who is not here and on vacation, . . . I would just like to read something about the importance of the school Inspectorate, the importance of any Inspectorate. In the *Caymanian Compass* Editorial of 24 November 1999, headed "A Quiet Revolution." It said: "**Last month with very little fanfare, reports on three local schools assembled by the School's Inspectorate were released to the public.**"

**"The Inspectorate, a wholly independent branch of the Ministry of Education, came into operation in 1997, its job to monitor and report on educational standards in Cayman. The publication of the Inspectorate's first three reports, for distribution to the schools and parents, is a highly significant moment in the history of education in the islands.**"

**"The ministry had a choice to publish or not, and, to its great credit, chose to do so. Going public with the strengths and weaknesses of local schools is an admirably positive step towards transparency and accountability within the education system. It has meant that, for the first time ever, objective and independent assessments of standards at local**

**schools are available to parents. That is information that all parents and guardians in every country deserve—or perhaps have the right—to have, but too often do not.**

**“Publication of the reports establishes the honesty of the Ministry of Education, gives much credibility to its stated aim of raising educational standards, and encourages trust between the Ministry and parents.**

**“Now the reports have been published, the schools are using their own self-assessment reports in conjunction with the Inspectorate reports to produce action plans. The purpose of these will be to bolster areas which have been identified as weak. The Inspectorate is to monitor the implementation of the action plans, and each school will continue to evaluate its own work on a regular basis.**

**“If staff at the schools concerned can remain motivated to see through their action plans in the coming months, it seems likely that real improvement in standards will quickly follow.**

**“It remains to congratulate the Inspectorate staff for carrying out its mandate with such thoroughness and professionalism. The Inspectorate reports—detailed, concise, and objective as they are—provide an extremely valuable framework for upgrading the quality of education in the Cayman Islands.”**

That summarises not only the honesty of the education ministry, but we have gone public with these inspection reports. Therefore, there can be no doubt—regardless of what anyone in this House, including me, may say—the education system of this country has been evaluated, it has gone public. There can be no doubt that we have a good system that is totally transparent.

They carried it even further. I requested an inspection of the education department. What more can I do? Yet, the system of education continues to be attacked or criticised not just inside this House, but outside as well. There seems to be a view as this private member's motion states, that we have not delivered policy in the education system. What more can be done? We have put the policy in place. We have put in an independent Inspectorate to evaluate it.

One of the problems with education is that there are no instant results in many instances, no vast majority of quick fixes. We are dealing with human beings, teachers, parents and students. Not everybody agrees on the same course of action at the same time. Change is not easy. We have brought in a tremendous amount of change, but in a co-ordinated way, a way where those involved are stakeholders. There's a partnership between the different sectors of the education system. We are dealing with 14 schools, over 400 teachers and some 5,000 students.

I will say it's not easy at times. Teachers are professionals. That is why, with the going into the ten year run of the education plan, it has seen the test of time. They know that when we find problems in it, it will be reviewed and we endeavour to fix it.

But the policy framework for education has been in place since 1994. At this stage, I can produce no more policy than I have produced. Its 105 action plans together with another 23 new action plans with the new strategy. We have policy running out of our ears! It is updated annually.

We now have a new rolled over education plan for 2000 to 2005. As far as policy goes, it speaks for itself—it's public. I think the public will have to decide for themselves. But I know the public is happy in most respects with that policy because it was put together by the public. It's not something produced by me, my ministry or my department. It has been a partnership.

The Third Elected Member for Bodden Town spoke on the importance of early childhood education. I strongly endorse that. I am very pleased that the Education Council during my tenure as minister and chairman developed guidelines for the regulation of pre-schools, and that the Education Department, with the help of the Early Childhood Association produced an early education curriculum guide.

Cayman is actually a founding member of the Caribbean Early Childhood Education Association. Each year teachers from our pre-schools and the operators of them go to the regional conference. The ministry provides a budget to assist them in that, so we are committed to training pre-school teachers and to ensuring that the highest standards are maintained so that children are given a good start in life.

I can agree with the statement made by the First Elected Member for George Town and the Third Elected Member for Bodden Town that improvements need to be made. I admit that. That is why I published (I shouldn't say “I published,” the Inspectorate published) the reports of the schools. And, as stated in the *Caymanian Compass*, I agreed for them to go public.

I also agree that we need to ensure that all graduates go into post secondary or into meaningful work. The National Education Plan has that as one of its objectives. But, education is not something that is just changed overnight. Let us look at some of the strides we have made. You will see that we have made very good inroads into producing a more educated workforce.

Over 80% of the approximately 2000 students who attended Community College this year were Caymanians. We can't say we don't have students furthering their education and preparing themselves for the workplace. Over 80% . . . quite a large amount. And these are both young and mature students.

We have heard a call for a technical school or college. Some people have called for better technical and vocational courses at our high schools. We heard the First Elected Member for George Town suggest that we are better off concentrating on technical and vocational subjects when students still have the discipline provided by the high schools, or words to that effect. There are many and diverse schools of thought on technical and vocational education. And different countries approach it in different ways.

I believe that one of the main issues is not just technical and vocational education, but also attitudes and motivation. We find that some students have no interest in math. But this does not mean that we can give them a curriculum that has no math in it and just concentrate on what they prefer. The three R's are the foundation to subsequently moving out in either the technical/vocational, the arts or otherwise. It is not just applying an interest-based education for all. We have chosen a comprehensive education because how many times on the floor of this House have we had the question raised? If we form a technical and vocational school we begin to split society.

I don't think that is good. We have a comprehensive system. All children move through the schools and there is no division. The first time that happens, we will hear that some children are going onto the equivalent of public schools and others will be in the vocational and technical schools and it may cause a rift within society. The decision on a comprehensive school wasn't made by me. It was made many, many years ago, the reason being that it keeps society cohesive.

To just talk about an interest based education for all, I think has to be not correct. We have to have what is necessary for students to reach their full potential. What I understand is that the professionals have recommended that students need a curriculum that is relevant to their lives, hopes and aspirations. That is the challenge that we are facing today and which we are addressing.

This was brought out by the public in the Vision 2008 pole when they stated that they wanted students to be equipped with 21<sup>st</sup> Century life skills, to be lifelong earners, guaranteed computer literate with technology understanding.

It is not correct to say that we don't have computers in primary schools. Computers are in all primary schools. IT is in all primary schools, not just the high schools. The private sector needs a workforce with the right skills and attitudes that are literate and numerate, who know how to think for themselves and how to learn. This is the thrust of the new education strategy. The policy on the new curriculum for high schools, which we are going to be developing next year, bears this out.

We need to use all the resources at our disposal. More particularly in the last three years of high school, we need to ensure that every student is literate, numerate and understands technology. I believe that one of the keys to this will be with the teachers. The teachers combined with the facilities, equipment, computers, are what will bring the results. What the House will see as policy on computers is that every three dollars spent in the area of computers, one dollar will be spent to train teachers.

In his Throne Speech, the Governor spoke about the P3 Initiative launched by DVID in the Caribbean. We will shortly be launching our own version of this education and training coalition. I look forward to the support of the House in this important area.

The Third Elected Member for Bodden Town spent some time stressing that he is a qualified teacher, and that it was important that education have good professionals; and that we who are involved also understand education. I accept that the member is a qualified teacher. That's good. It's good to have qualified teachers in this House. But, it is also important to bear in mind that many others of us who have lectured, as I have, at a much higher level, also understand what education is all about.

Those who appreciate and understand education are those who have taken advantage of education themselves. They have sought high qualifications and have worked hard to get those qualifications. I commend the Third Elected Member for Bodden Town, but I must also say that I have attained degrees through a lot of toil and sweat. I appreciate education because nearly 11 years after I finished high school were spent in further educating myself in very good institutions. I not only took advantage of education, as did the Third Elected Member for Bodden Town, but I can appreciate education. Like him, I am extremely well educated.

I don't take issue with him on that matter, just to say that education . . . I agree with what he has said. It's important to have it to fully appreciate what education means.

Mr. Speaker, I have actually just about lost my voice. I know we are ten minutes short, but maybe we could begin ten minutes earlier and just take a break now, please.

**The Speaker:** Certainly. We shall suspend for lunch until 2.15 pm.

#### PROCEEDINGS SUSPENDED AT 12.34 PM

#### PROCEEDINGS RESUMED AT 2.48 PM

**The Speaker:** Please be seated. Debate continues on Private Member's Motion 14/00. The Honourable Minister responsible for Education, Aviation, and Planning, continuing.

**Hon. Truman M. Bodden:** I would like to deal with another area that relates to a statement made by the Third Elected Member for Bodden Town. I don't remember his exact words, but he was worried about illiteracy and the Cayman Islands. I want to quote from the Pan American World Health Organization (PAHO) "Basic Indicators 1998." This clearly shows that as at 1995 (which is the most recent one we have) the Cayman Islands had 98% literacy. That is one of the highest we will find, not just in the Caribbean but anywhere in the world. The literate population in 1995 was 95%.

This goes to show that it's quite easy to make sweeping statements. I think people will accept that we have a high level of literacy. These are PAHO facts, an international body. We have 98% literacy. So, to say we are worried about literacy in the population . . . like I



said, it's one of the highest in the world. We do strive for 100%.

Another area I would like to address is what one of the members read from the Youth Report. And this was only a draft report put out to the public. It stated that 24% of students entering Year 10 in 1996 did not graduate. When we look at that, we find that of the 294 at John Gray, eligible for graduation in 1996, ten transferred to the transition unit and six transferred to CIMI. They have separate completions for their students. That left 278 students eligible. Of this class, 17 students dropped out, five were expelled, one was dropped for a total of 23. An additional 24 students completed Year 12, but failed to meet graduation requirements.

I need to explain that the requirements for graduation go beyond meeting the requirements that relate to some areas, like people who have missed a lot of days and may need to make those up. But they have done reasonably well. Therefore, out of that alleged 24%, the actual number of non-completions was 8.27%. I just state this to show that the draft report on youth is a *draft*. It's dealing with specific areas such as education where there can be variations. I don't want to go into a lot of detail on that, but something was also mentioned about how many students went on for high training.

In fact, we find that out of a total enrollment in the secondary schools of 616 students, 305 went on to tertiary education, which represents 18.9%. That's a very high percentage.

We also know that students from the government schools have consistently been first in the Caribbean in CXC most years. We had an example where one child from the Red Bay Primary School actually won the Commonwealth Essay Competition throughout the Commonwealth—one-third of the population of the world, 50-odd countries. There can be no doubt that the standards are there. Yes, there are some children who need a lot more attention and we are endeavouring to give that. I don't have the statistics on that, but while on this I would like to show that we have also done a fair amount in the area of technical and vocational courses.

Offered at the Community College for either young or adult students, there are some 2000 students enrolled. Out of that 80% are Caymanians. So they are taking advantage of this. The ministry in collaboration with the two colleges and also the Law School has been working towards the creation of a learning society where lifelong learning is given priority. We have given scholarships to just about every child who is able to qualify under the guidelines.

We are very proud that unlike most other countries, we offer a space at the Community College to every student who has the basic admission requirement. Foundation courses in math and English are in place to assist those with deficiencies in those subjects. Once successfully completed a full time space is given at the College. During the academic year 66% of the 2000 students were over 20 years of age. This is good because it shows that we are looking at mature students joining younger students.

The College works with local public sector organisations in the introduction of many new courses and programmes. I agree with what the First Elected Member for George Town stated about the importance of vocational education. We find that the Cayman Islands enjoy much more economic prosperity than many of the other islands. But also, we have over employment to a very high degree since about half the workforce is not Caymanian. We find that people can get a job even if they don't advance themselves, and that is sometimes a disadvantage. I guess that's where economic prosperity doesn't have such a good effect on society as a whole, as it does on individuals.

I believe that this motion is really looking deeply into these areas and therefore, I would like to set out areas of achievement, but also to deal with areas of weaknesses in it. It is correct that the College had to cancel some vocational programmes because students were not enrolling in the programmes. However, despite the cancellations, the College works very closely with the local high schools to stimulate interests in these programmes. They go about it in this way: College staff speaks at school assemblies, and to small groups at each school. Students are invited to the College where additional information is supplied. The College has an open day where parents and students are invited to the Campus to have discussions with faculty and staff. The Community College is willing to collaborate with all sections of Caymanian society to offer courses and programmes as long as there is a need, that is at least six interested students.

I think the recent stress put on the new programme for training teachers is one that will assist us in putting more Caymanian teachers in the schools.

At present we have the following programmes offered at the College in the vocational and technical areas:

- Construction Technology: woodwork, joinery, and CAD
- Electrical Technology: wiring, electronics, drawing
- Hospitality Studies: Front office, food service
- Life Skills and Sanitation
- Computing Certificate: Accounting, Word Processing, Data Processing, Spread Sheet
- Accounting Certificate: Bookkeeping, accounts, computing, financial accounting, cost accounting computerised accounts

Even courses offered at Community College:

- Woodwork
- Electrical installation
- Electronics
- Drawing
- CAD
- Plumbing
- Air-conditioning
- Refrigeration

- Basic English and Maths
- Word Processing
- Data Processing
- Spread Sheet
- Accounting

The professional programmes offered there (more advanced certificates)

- Foundation banking certificate (which has 62 students, which is quite good as this is one of the main areas of our economy)
- Legal Secretary Certificate (which presently has 24 students)
- Banking Diploma
- A+ in Computing
- MSCSE (Microsoft Certified Systems Engineer, with 52 pupils)

Turning to the vocational and technical area of the motion, the Education Department has responded to the issue of vocational education raised at a Youth Conference, as well as in Vision 2008. The Chief Education Officer visited three sites in the United Kingdom to gain firsthand information regarding their new vocational efforts.

In the UK, as mentioned by the Third Elected Member for Bodden Town, The General National Vocational Qualification (GNVQ) was piloted through specific programmes since 1996, and expanded in 1997 to the year 2000. But it is not yet in full operation in the UK. It is being looked at. If this seems to be an area that we should move into, then we can move in that area when the UK has it at a more advanced stage. There were three levels under that: Foundation level (14 to 16 year olds); Intermediate (16 to 17 year olds); and Advanced (17 to 19 year olds).

That scheme, along with a programme in the United States is being studied with the intent of implementing additional vocational courses with external qualification. In the schools at present, we have the following vocational and technical courses offered. These are at CXC level: Child care, Food and Nutrition, and Technical drawing. Also the subject of woodwork, which is Certificate of Education, and graphical and material studies is also COE. Information technology is Cambridge and CXC, and Business Studies at the COE level and CXC, and also Auto mechanics at COE.

There are presently vocational and technical areas. However, I am prepared to admit that we obviously have to do much more in this area. I believe that coming out of the visits to the UK and US we will find a better way forward extending the vocational and technical courses already in place in the schools and in the College. I would like to stress that it is so important that the three R's be taught, because without a basic foundation in math and English, it is somewhat difficult to advance students.

I would now like to move on to deal with current status of capital projects. I think the motion is wide

enough to also deal with that. It specifically talks about the . . .

Spotts Primary: Target opening date is September 2001. At present the CPA approved the site on 23 February 2000 and an official letter with conditions has been received. The land purchase process is underway at Lands and Survey. The drawings and specifications are 99% complete. The bill of quantities should be completed by now, and the construction will then move on as soon as an award can be done in relation to the contract. We have an approved budget of \$9.2 million for that.

Boatswain Bay Primary: Target opening date is September 2002. The construction is set to start in June 2001 with completion targeted for June 2002. The budget is \$9.2 million approved by Finance Committee.

Lighthouse School: The target opening date for the complete school is now April 2001. There's an approved amount of \$7.6 million.

Red Bay Primary Assembly Hall: Likely to be opened in October of this year. That budget of \$1.5 million has been approved.

Secondary School: Target opening date is September 2003. Design start for September this year, and construction to hopefully be started June 2001. The design brief is being prepared by the consultant and the draft is due anytime now.

East End Primary: Classroom block completed.

George Hicks High School: Hall converted to cafeteria and kitchen. Construction has been handed over to Education. Operational date, while ready now, is in the next school year.

Alternative Education Facility: Target opening date on hold due to the loss of the site to the women's prison. The budget is \$1.4 million.

Savannah School: Addition of four new classrooms, to open in the new September term, with construction to be completed in mid-August of this year.

Bodden Town Primary: We had \$250,000 for extending classrooms. We found that could not come about. The move is to put in four classrooms to be operational for the school year in 2001.

We have an approved budget of \$1.1 million for the administration building at George Hicks and on the new library block, the completion date for the project definition document (not the building) is July 2000. I answered a question on Sunrise Adult Training Centre, so I don't need to go into that. So we have an up-to-date position with the times, the budgets in relation to the physical aspects of the schools.

The motion as it presently reads states, "**BE IT THEREFORE RESOLVED that the Minister of Education, acting under his constitutional responsibility to deliver policy in the area of education, set out a properly prioritised plan, including costs and specific timing of implementation to address the present needs in the public education system.**" We have shown that there is policy in the area of education, that we have a properly prioritised plan; we have the costs, the timing. I think the motion is looking at a specific area. I don't believe the motion is really attempting to say

there is no education plan in place. It is saying that more needs to be done in some specific areas.

I hope that during the long debate that I know will go on this, I will have an opportunity to discuss the possibility of making the motion more specific. But in the form it presently is, I cannot accept that we do not have policy in place, and that we do not have a plan. I have gone into an update on the physical side. I remain with an open mind on the motion. Hopefully we can look at specific areas.

As I mentioned, there has been a lot done in education over the last six years or so. In summary, we have in place a national education plan that has been revised on three occasions; it's a plan accepted by this House and carries the policy, the prioritisation, the cost, who is to do it. I am not saying that every action plan has all of those details worked out, but most do. There are over 105 action plans in the nine strategies. That has just been revised and rolled over as the National Education Plan 2000 - 2005. It therefore is now giving the ten-year extension of the 1995 plan.

With a policy revised annually with the new strategy 10 coming on line, which I think when viewed by members of this House they will appreciate that it relates to areas this motion goes into. It deals with creating a dynamic learning environment that will guarantee lifelong independent learners in a globally competitive society. That is something we all have to look carefully at. It was asked for in the Vision 2008 strategy and it is something that we are working on.

I don't think that too much criticism can be levelled at the achievement in many areas of education. There are areas where we need to do more work. I accept that. I am open to those specific areas and how to best deal with them. I think strategy 10 will go a long way towards dealing with them.

The schools are resourced. We have compulsory education in the high schools of this country. Many countries within the Caribbean do not necessarily have compulsory high school education. I have shown that the level of literacy in this country by PAHO is 98%, a very high percentage for any country. But, yes, we must do what we can to deal with the 2% of illiteracy.

We have also seen that the education standards in this country are no longer open to either debate by me having to state what they are, or any other member of this House or of the public. There will be criticism. Education is one of the most earthly and important things in any society. There will always be differing views. All of those views are looked at. Out of that has come the education plan. But we have an open system where the schools of this country are inspected by an independent Inspectorate. The inspection reports are made public. So there can no longer be any doubt. The one thing transparency should put beyond a doubt is where you have matters such as this, where we have the schools inspected independently and the reports are made public.

To get such a good editorial in the *Caymanian Compass*—which I believe I will frame! . . . but they quite rightly stated that where there is honesty in the ministry,

no fear of putting the standards of education public, as we did, that has to speak for itself. No matter what I or any other member may say, the standards are independently assessed and those standards are good. But, I admit that they can be improved, as can anything in life.

I would like to give you what will be part of a press release that will be coming out from questions put to the Chief Inspector of Schools by GIS. One of those questions was, "Compare and contrast inspecting schools in Cayman with inspecting schools in the UK."

The Inspector's reply was as follows: **"The system of inspection is now well established in Cayman and places a high level of responsibility on schools to be accountable for their own improvement. This is based on a belief that all organisations can improve and those who have to implement change need to be at the centre of the action. Teachers in Cayman are trained to carry out their own self-assessment using published criteria. Only after this stage is completed is the school inspected. This brings together the best of both worlds—school evaluation and the objective views of experienced and highly trained inspectors. It is this partnership, which is a dynamo for change and improvement. The model developed in Cayman is rapidly becoming the norm in many other countries. There are signs of its growing acceptance in the United Kingdom. At present, however, schools in the United Kingdom are less directly involved in the process. This can lead to a more confrontational and less productive outcome."**

Another question posed to him was, "Overall, what is your opinion of the education system in the Cayman Islands."

His reply: **"I hope other published reports which contain objective judgments—not opinions—speak for themselves. Like any system, Cayman's has many strengths. But, equally, there are areas where improvements are necessary. Cayman is fortunate in having very well resourced schools and an excellent ratio of teachers to pupils, one which stands favourable comparison with any other country. It is right and proper, therefore, that it should also strive, as it does, to identify where improvement is needed in order to deliver commensurate educational standards."**

I have given 16 years of my life specifically to dealing with education. If there is one thing that is near and dear to my heart it is the education of our youth and our mature students in society. I believe, as has been stated independently, that we have good policies in place which are prioritised. We have a good school system, a good education system, it is transparent, inspected independently and the reports are published. I have nothing whatsoever to hide. If I did, I would not have allowed the reports to be published.

I believe the education system in this country can stand up to the education system in any other country. However, I will continue to do everything I can to advance it, improve it, and see that the necessary change

to bring about the goal that every student should be able to reach his or her highest potential in this society and to be productive good citizens. The vast majority of children out there are good students. They do their work, they are obedient and we must give praise to those students who do their utmost best to advance their lives in this society.

I believe that we must take a joint approach and constructively assist the small number who need assistance. But we must not lose sight—and this is very important. We must give praise where praise is due to the many good students in these islands. I will personally do everything I can, for as long as I can, to assure that the education system of this country advances for the betterment of the future of this country—our youth.

May God continue to bless them. Thank you.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would like to take up the challenge of entering this debate after the Minister of Education spoke for quite some time, giving us a detailed review of the educational strategies which have been developed for the country as the National Educational Strategies for a period of five years. The minister gave us notice that he has served this country as Minister of Education for 16 years. I believe that in being Minister of Education for that particular period of time, he should have as good a knowledge of the educational situation in this country as anyone—as a matter of fact, he should have a better understanding of the educational conditions in this country than anyone else.

I don't believe the minister has anything to hide. I believe the minister is telling the truth as he knows it, as he sees it. But, I would like to ask the minister . . . I mean, I know he brought his "educational specialists" here. . . I thought they would have been here for the entire debate so they could deal with what other members have to say because, believe it or not, we might have a new minister of education come November. They could have not just fed him details in regard to his debate, but they could also understand and comprehend the entirety of the debate and also appreciate other members' contributions and how they see the educational system could be improved.

I went to Northward Prison yesterday as a guest speaker in a human relations class to specifically talk about employer/employee relationships. A lot of us will say that education has nothing to do with jobs, therefore, these types of relationships should not come into play when talking about education. The reason I am bringing up the prison is that the former temporary director said before he left that 20% of the inmates at Northward are illiterate.

Now, if the director said that 20% of the inmates at Northward are not able to read and write, lack the basic arithmetic skills, and are at a very unskilled level, how is it that the Minister of Education will quote the Pan American Health Organisation to say that 98% of the people in the Cayman Islands are literate?

That's good for us to have that particular posture. But the reality is a little bit different as seen by those persons who are being disqualified from taking up meaningful positions in society simply because some people are saying they are not qualified for these jobs. Are we to believe that the people who say young Caymanians are not qualified are lying? If so, we need to know. If these kids are qualified and they do have the literate skills, then we have to have some kind of explanation as to why they are not getting the jobs they are applying for in the private sector.

If the statistics given by the prison director is reflective of our society, then we cannot say that 98% of the persons in our society are literate.

My other question is, Why does the Minister of Education not have his own statistics? Why do we rely on a foreign organisation that goes around comparing the literacy rates of countries? They are interested in comparative statistics. Their reason for having these statistics in the first place has to do with their purpose rather than with our purpose. That would really be the first question: Why is it that the Minister of Education—after 16 years of responsibility—has not seen fit to make sure that his educational ministry collects statistics regarding the functional literacy of graduating students?

It's good that we have strategic policies. It's good that the minister has seen fit to involve the general public in creating an educational strategy for this country so that all the stakeholders own the policy. He says that if we criticise the policy we are criticising the stakeholders, the people involved in creating this policy. He says the people will be upset with us, not him, because we are being critical of them since it was they who created the educational strategies that we have been using in the country since 1995.

That's an interesting position. I am not saying the educational system in this country is weaker than in other countries. I am not saying that we don't have good teachers in this country. I am not saying that we don't have a dedicated minister of education in this country. But, I agree with the mover of this motion when he says that because of the rapid development in the Cayman Islands, and the diversity in terms of the economic demands, the educational system has to be looked at. When asking whether or not it's a good system, it has to be from the point of its ability to maintain the system, to provide the system with what it needs to function as a system.

We cannot examine the educational system by itself and say it is good without taking into account the fact that the educational system is part of a wider system, to make that system harmonious and productive. To be able to debate educational strategies seriously, we have to also look at the social strategies.

The minister talked about attitudes and motivation, but he never talked about the actual meaning that values, attitudes, or motivation play in terms of his educational strategies. Attitudes, motivation is important. How important is it for educational psychologists and sociologists? Very important. Does the Ministry of Education

hire a sociologist to advise them regarding the sociological aspects of education? Have they ever thought of training someone to look at how the attitudes and motivation the child brings with him into the system interacts with the values and ideas within the school environment educational system in terms of producing the kind of child society needs or wants?

We know what the ideal citizen is. We know what the ideal pupil is. But society does not always live up to the way it visualises itself. We know there are weaknesses in all societies. Until we come to the point where we can discuss the weaknesses, we cannot enhance the lives of the people who live in that weak part of society. For the minister to always talk about the success stories without the ability or courage to introduce one of the failures he has had to deal with, and how he turned that failure around making a success story out of that failure, shows that his perspective is focused in one direction.

The mover and seconder of this motion have more of an interaction with their constituents and therefore a better perspective. So, when they question the education system, it's not from an abstract position, or just from the position of teacher or administrator, they are looking at how they interact with their constituents and the difficulties they see their constituents facing. As a result of recognising these difficulties they ask if these difficulties have anything to do with the educational abilities of these people.

If a system has been put in place to make sure that weaknesses should not show up in these particular people, we are back to the question of whether or not it's the schools system that's responsible, or the people within the system.

People who come from the southern United States, the Carolinas, would probably come here and say it's the people rather than the system, because the system is perfect. It's the people who don't have the correct motivation, they don't have the correct attitude. But why is it that individuals from a particular class, or particular area do not have the motivation necessary to propel them through the education system, bound for social and economic mobility? We have to ask ourselves that question.

Being a sociologist, qualified to ask these questions and provide some answers as to why this is so, and having been excluded from making any kind of meaningful contribution to the education system in this country for at least twenty-something years, I am inclined to state that if the education system was so perfect, it would have at least involved my discipline to some extent in assisting it in redefining its role, not just as an educational institution, but as a social institution.

The mere fact that this motion is here today is because schools the world over are being asked more and more to play the role of a socialisation agency. The socialisation role has become a paramount part of the school system. That's the reason why the minister could talk about the pre-school programmes. If he recalls, I was one of the persons advocating a pre-school system back in 1978. As a matter of fact, I lost my job in 1979, based upon so-called accusations that I was being politi-

cal simply because I was talking about the fact that unless we got to the children at an early age in order to socialise them with attitudes and motivation necessary for them to survive in the primary and secondary educational system, we would fail.

As we go forward perceiving a change in the leadership of this country, I think it's important that the general public understand that on one side we have someone telling us that everything is okay, when members of our community are saying it can't be okay because their children are failing.

The Rehoboth Centre, run by my sister Beulah at the T.E. Youth and Community Centre, is an after school programme initiated by the First Elected Member for West Bay when he was the Minister of Community Affairs. Why did the Member from West Bay believe that after school education would be significant? The First Elected Member for West Bay was more interested in the social aspects of people. He saw where parents were not able to provide the child with the time, care, and attention necessary in order for the child to be successful during normal school hours. So, not only did we have the pre-school education introduced into the system in addition to regular school hours, but we now have the after school system.

We have seen the attempts of the educational system to correct problems existing within the community, the family, and this is especially necessary when society is going through rapid economical and moral transitions. The Cayman Islands is moving from an agrarian situation to a more urban environment. We are moving from caring relationships to contractual, competitive lack of caring relationships in the community. As a result, the school is called upon to do more than in the days when I went to school, when the churches held Sunday School and the mothers did a lot of the socialisation on the primary and secondary level. But all the social institutions were healthy at that time, participating in the total management and empowerment of individuals within the society.

I should not be talking about the failure of the Minister of Education or the education system. We have to talk about the overall failure of the government. Obviously, there are members responsible for the social parts, like Social Services, and somehow they all have to work together. If the minister is saying that he's done his work, and if they have problems down in Harlem, George Town, Rock Hole, or wherever, that's a *social problem*—not an *education problem*—so we really can't complain about him. Well, how we define "problems" depends largely upon our disciplines, our perspectives, and what we hope to achieve.

Ultimately, all problems are social problems in the sense that it affects the entire society. So, whether or not we limit the problems to being educational problems, or if we see it further as a social problem, we know we have to deal with it. They say, He who sees it knows it.

If you see the young men at Northward Prison, or the young women at Tent City, you will see how healthy they look. You see them behind bars, and see the num-

bers of foreign workers in the Cayman Islands, and then you know that had these people been taught correctly they could have been playing a meaningful role in society.

Does that mean that we do not accept individual responsibility? Does that mean that those individuals did not have choices, and that they exercised those choices in choosing not to read? In choosing not to go to school? In choosing not to learn? I am not saying the individuals didn't make choices, but they were programmed right from the very beginning in the wrong way! As a sociologist, I understand that. I accept that as being the case.

If you are talking about parents, these are the same parents that went through the same system of education that the Minister of Education has been in charge of for 16 years! So the parents that are teaching the kids today, are the parents the Minister of Education is responsible for creating education policy for when they were going to school! That's a very, very important point.

When you stay in the system so long, you can get blamed for everything because you have created a history—not just of successes, but of failures too! You cannot just take the praise. You also have to take the fault for what goes wrong.

When I came back in 1977, I said that we needed a pre-school education, a head start programme, rather than getting a middle school. We would have been further ahead in the long run because it is at the point where kids are gathering attitudes, when they are collecting the attitudes and values. You cannot wait until they get set in their ways. At the end of the day, you become a social control instrument.

I recently had the good fortune to find out about a Caymanian-born professor, Dr. Charlene Barnes, at the University of Northern Iowa. She was coming down to Cayman to visit her mother and father. Her mother is Ethel Barnes, and her father is Charles Barnes, Jr. I understand she is involved in literacy and teaches teachers how to teach children to read. When she came here, we organised a meeting at the T.E. McField Youth and Community Centre where she gave a speech about the importance of literacy, and how to distinguish the difference between education and literacy. She showed us why it's important that we see the difference between somebody who is educated and somebody who is literate—because kids can be educated, but not literate. That's basically the argument being made in this motion.

She also said that in order to have an orderly, competent, and productive society literacy must play an important part in societal development. Why? The world functions as a lexicon society, it survives on print. In the United States, approximately 70% of all incarcerated persons cannot successfully read and write to keep a job. In America, 55% of the mothers on Welfare cannot read a bedtime story to their children. In America, employers spend millions of dollars re-educating their employees in basic reading and writing correspondence, such as a thank you note, party invitation, a job advertisement.

She talked about these things and gave us some very personal and interesting examples of why in the Cayman Islands we have to begin to see the importance of literacy and be able to distinguish.

According to experiences at the Rehoboth after school centre, they have found that approximately 95% of the children have to go through remedial reading and as great a number must do the math work to improve their skills. Are they lying? Do they have a reason to be lying about these kids?

Would the Minister of Education take a walk with us right now and go there where these kids are, and check it out? He's a lawyer. If this were a court, and Mr. Speaker, you were the judge, we could postpone and take the jury there and let the jury see for itself. The proof is in the pudding!

Parents in certain working-class neighbourhoods in this country—whether it be Watler's Road, Washington Blvd., Sound Road, Myles Road, Anthony Drive—know that the vast majority of their children have remedial difficulties. That is one of the reasons why the Rehoboth programme cannot take one single extra child, it is full to capacity. Parents have come to depend upon after school education as a way of complementing their children's educational instruction.

We know that parents should be involved in their children's education. But if the mother works, and has to get up to take the children to school, and if they live in the eastern districts the system demands that she gets up at 5.00 AM, and she has to work all day and she gets back home at 6.00 or 7.00, or even 8.00 PM, what type of mood will the mother or the father be in? Will they be in a mood to help the children with homework? Probably the only thing they feel like doing is watching *Days of Our Lives*, and then fall asleep. Some people don't even cook any more—it's Burger King, Domino Pizza, and places like that. Even with that, people feel burdened because parents are primarily focused on earning money to pay the bills. Therefore, they have no time to be teachers or socialisers with their children.

In order to maintain stability, the State has to take on more and more of that responsibility. We begin to take that on in many different ways, but we see it with the after school programmes. Why is it that we have our school programmes running until 3.00 when people work until 5.00? What do they do with their children? They have to run around in traffic picking up their schools. The employer has no time for that; he's interested in efficiency and profit. What does the school do? What does government do? Look at the parents out there trying to pick up their children. They are all coming from work at one time to pick their children up.

Not only do we have congestion in the mornings, now we have congestion at 3.00 and so forth. Try to get across Smith Road at that particular time. Why must the schools close their doors at this particular time, when all other economic institutions are open until 5.00? Everyone else works until 5.00, why is it that the schools must close at 3.00? Is it because it happens in America and in England?

We cannot borrow the educational plans of other countries. We must adjust our educational policies to deal specifically with the needs in our society. Those needs cannot be known by hiring educationalists from foreign countries, bringing them here and setting them up as Chief Education Officers and so forth. We won't accomplish that way, I am sorry!

With all due respect, we need people who perceive the weaknesses in our society, who are willing to have sympathy with those who are part of that weakness. That's what we need. I am suggesting that the schools be opened longer. Why do they close at night? These buildings that the country has spent millions and millions of dollars on are closed at night.

I went to night school in America, and I went to summer school too because I was far behind. I only learned to read and write when I was 15 or 16. And I still have some difficulties. But I went to school summer school in 1968, 1969, 1970. The schools were opened during the summer to help us catch up. When did you last hear about a Caymanian kid going to summer school to catch up? So, nobody needs to catch up in this country?

If they do it in the primary schools, they don't do it in the high schools. If they are catching up, I want to know how kids who really need to go there to catch up are not. Most kids want to go on vacation. Teachers have gotten used to long vacations.

Now, I am not going to take away any privilege that teachers have. I believe we need more teachers. I believe we need to have better paid teachers if we are going to readjust the school system. The Minister of Education was giving us the idea that he'd done all, and that nothing else could be done. I am saying that's not true. I am saying that this motion is asking the Minister of Education to look into what can be done. I am saying we could extend school hours—it would be better for parents, for private industry, the traffic . . . it would be better for everybody. Teachers would work longer hours. Teachers would be paid more. We would need more teachers. We would need to get money to pay more teachers, but we would improve our general education system.

As to what courses you could have after 3.00 . . . it doesn't necessarily mean that they would be doing the same thing they had been doing all day. For instance, there's drama, sports, civic groups, talking as a class discussing and learning about democracy and fair play, human rights and all those good old things a lot of people don't want the kids of this country to think about. I believe that if we had been more conscious of our civic responsibilities in school we wouldn't have the question about the kids not registering to vote, and not getting involved in politics.

The school is a good community base. It needs to become more conscious of the failures within the family, within the community as a whole. The school needs to become more conscious of the demands in the work place and it has to adjust itself to be able to better serve

those classes of people who are now saying the school system has not benefited their children.

Approaching this as a sociologist, I believe much can be done. I could suggest other things, but what would be the point of doing that at this particular time. I believe the Minister of Education is convinced that he is not perfect, but almost perfect!

*[Members' laughter]*

**Dr. Frank McField:** I believe the Minister of Education is convinced that all that he has done could not have been done any better by anyone.

I believe the Minister of Education will continue to seek political office, to be not only in education but in aviation because he wants to be where he feels he can exercise a certain amount of control. So it's not just altruism that causes the Minister of Education to be involved, it's also a certain amount of egotism as well. I think it's absolutely necessary to ask how he is going to be capable of running an educational system that needs to be run by a Minister of Education who will get down there with the teachers, who will be a motivator of teachers and students, a motivator of the parents in the community; a giver, an activist who is actively involved in revolutionising our approach to education and the community's responsibility to see education as being successful. That's the type of Minister of Education we need at this particular point.

If the present Minister of Education believes he is that man, and he can prove to me that he is that man, I will support him. I don't want to be Minister of Education, and I will tell you why: Because education, like the present minister has stated, is charged with an awesome task. Education is blamed for everything. I agree with him. I agree that everybody has a solution. So you have to listen to more people and you have to go through more experiments. And you have to try more things because more people are actively depending upon education to be their salvation. In other words, education is the spaceship that can get you to that economic planet.

As Ella said, in *Time Longer dan Rope*, "Without a good learning, Cayman won't belong to we no more." We know the importance of education, but we also understand that within our culture there are contradictions in regard to education. Although people regard education as that important vehicle, a lot of them do not understand that it means they have to invest time in education, that they have to make sacrifices to get that education. Government has not encouraged people to get PhDs, to be able to give the critique and overview that I am sometimes capable of giving because of the amount of time I have spent researching and dealing with a particular problem. Government has always regarded educated people as troublemakers. There is a certain amount of this attitude.

We understand that education is the tool that democracy depends upon to create this great egalitarian society where we are all equal. I am not sure that's a realistic expectation. We are not all going to have the

same position because society does not demand that we all play the same role. So we must have a diversified, stratified society.

I think education is best when it is not comprehensive, but academic and vocational. As the minister said, he has a comprehensive system of education combining the vocational with the academic and that is a more egalitarian way of dealing with society. But at the end of the day people end up in the same slots regardless of our comprehensive system.

I think the comprehensive system of education as an ideological tool to try to prove that we are all equal was an English creation because they have this vast division of classes and they needed to bridge that ideological gap in the 1950s and 1960s by putting these institutions together. We in the Caribbean have a slightly different situation. We need people to work in our hotels. We need people to be taught that it is not bad to serve because you are serving yourself, you are working for the money to create your own independence. These are some of the things I was trying to impart to people in the prison yesterday.

The negative attitude kids have towards work is incredible. How can you have positive attitudes towards school with such negative attitudes towards work? People still believe they don't have to be productive or contribute. Something is going on in the school process and in the role the school plays as a socialising agent, preparing the child for work. Something is wrong. Something needs to be adjusted. That is exactly what the motion is calling for.

I know that everybody is wondering what is happening here, and looking at me. But I intend to continue for a bit and get some time on Prime Time tomorrow. So, if you will just bear with me . . . the minister had his time, and I am quite sure that people won't be listening to me tonight because they would fall asleep listening to the minister—I did! And so did a few other members.

It's back to what the Third Elected Member for Bodden Town stated and how he felt that the minister of education also being the minister of culture. When he said that, I felt he was making an intrusion into my territory. But then I said that's exactly the way it should be. I remember that I gave the present Minister of Education a copy of my first publication of *Time Longer dan Rope* in 1980 because he was the Minister of Culture. Believe it or not, the Minister of Education used to be the Minister of Culture.

What happened? Why did the present Minister of Education allow culture to slip out of his hands, and go into aviation? Why did he get involved with Cayman Airways when he should have been the culture minister as well?

The Third Elected Member for Bodden Town was making a very good case. If you are really going to deal with this system in terms of trying to create an interdisciplinary approach to problem-solving, you cannot have the Minister of Education being the Minister of Cayman Airways too. Whoever is the Minister of Education in the next government . . . if I have anything to say about it

(whether inside this House or outside this House), I am going to be suggesting that the Minister of Education does not take aviation and Cayman Airways, that he take something more complementary and supportive to education, something like culture.

Culture is part of our heritage. It helps to form our character—

**Mr. John D. Jefferson, Jr.:** That's like "tourism" and "transportation."

**Dr. Frank McField:** —and it's our character that begins to shape our destiny.

When the Minister of Community Affairs brought the programme about hospitality training, we wondered again why the Minister of Community Affairs was getting mixed up in education. This has always been the problem the present Minister of Education has had with the past Minister of Community Affairs.

**Mr. W. McKeeva Bush:** Give it to the man, they could do the work.

**Dr. Frank McField:** I specifically remember on one occasion that I made an application. The question was basically, Who's responsible because this is educational. Everything in this world is educational. We can define it that widely. Everything has to do with learning or unlearning.

But if we are involved with community development, we can see that as the supportive institution. There is some connection between the ministry of education and the ministry of community affairs that would be involved in the after school programmes that would take over at a certain time because we have to involve the community as a whole in the learning experiment. In other words, learning should not be limited to the educational institution; learning should be a process that takes place on all levels.

Television is a great learning instrument. But it's not directly under the Minister of Education. How could they have a sensible approach to education in this technological world without taking into account using the media? This is where the Minister of Community Development would come in. The community development people would create educational programmes geared towards stimulating the involvement of the community in the educational process and with the educational concerns of their children.

The Minister of Community Affairs would deal with the parents to get them more involved, and the Minister of Education would support that because at the end of the day his educational polices and goals would be more successful.

We need to understand that we cannot have five different governments when you have things so closely interrelated. You can't send that down to that minister and the other to that minister, and you can't keep this because you had this before and you want to keep it



now. But all the other things you have bear no relationship to what you have.

You have education, planning— what does planning have to do with education? What does aviation have to do with it? What does Cayman Airways have to do with it? How is it that we are able to concentrate?

**Mr. W. McKeeva Bush:** *[Inaudible interjections]*

**Dr. Frank McField:** Mr. Speaker, I was getting some good advice from the First Elected Member for West Bay. I think I will probably stop at this particular point to get that information from him so that I can start fresh with it tomorrow, if you don't mind. Thank you.

#### **MOMENT OF INTERRUPTION—4.30 PM**

**The Speaker:** We have reached the hour of interruption. I will entertain a motion for the adjournment. The Honourable Minister responsible for Education, Aviation, and Planning.

#### **ADJOURNMENT**

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 22 JUNE 2000.**



**EDITED  
THURSDAY  
22 JUNE 2000  
10.33 AM**

*[Prayers read by the Third Elected Member for George Town]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have apologies from the Honourable Second and Third Official Members who will be arriving later this morning. The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture is off the island in Cayman Brac on official business. The Third Elected Member for Bodden Town is off the island on official business, and the Fourth Elected Member for West Bay is hospitalised in Miami.

Moving on to item number 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question No. 24 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 24**

**No. 24: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for the Ministry of Tourism, Commerce, Transport and Works what is the Government's present policy regarding eligibility to acquire omnibus licences.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The Public Transport Board, as far as omnibuses are concerned, currently grants permits in two categories. There are permits granted to omnibus operators and to omnibus drivers.

In the case of the omnibus operator permit, this authorises the holder to license a specified number of buses and for use on specific routes.

In the case of the omnibus drivers' permit, this does not allow the holder to own their own bus. He or she is merely entitled to drive a licensed omnibus on behalf of an omnibus operator.

The present policy governing eligibility is provided in the 1995 issue of the Public Passenger Vehicles

Regulation. This Regulation requires that holders of permits must be 21 to 70 years of age and Caymanian.

**SUPPLEMENTARIES**

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Bearing in mind that this is under regulations and not actual legislation approved in the Legislative Assembly, can the Minister state whether the regulation governing eligibility extends both to permits to operators and to drivers, or one or the other? Regulation means, being a Caymanian.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, I don't have that law in front of me but I believe it relates to both parties, the driver as well as the omnibus operator permit.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Is there any consideration given during the process of one's application to the fact that an individual requiring either an operator's licences or a driver's licences in the omnibus category is the spouse of a Caymanian?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, there were a number of persons who were operating in the industry before it was handed over to my ministry. Some of these persons are married to Caymanians. The ministry and the Public Transport Board took the view that the livelihood of the Caymanian is affected by how you treat the person who is driving the bus, the spouse, and we therefore decided to allow them to continue. We recently gave them an extension of six months, recently meaning December, which expires at the end of this month.

We feel that of the fourteen persons who are not Caymanians driving in this omnibus category, nine of which are married to Caymanians, it was in our best interest to try ensure that the nine did pursue the obtaining of Caymanian status in order to fall properly under the law. But it is our view to be somewhat flexible until we can actually have that achieved.

I need also to say that the reason for giving six months is really to try to nudge them into the process of

making the application for status because if they are married to a Caymanian, perhaps not all of them but some of them, they will eventually qualify for status and therefore fall correctly under the law.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the Minister say whether in fact some of these [operators] don't already have application for status?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I cannot say I am certain that applications have been made for status for some of these individuals. I would assume that some are applying, those would meet the criteria for granting given their period of marriage and the other requirements under the Immigration Law. But I must go on to say that it is the Ministry's view that we should extend them for another six months which allows that process for some of them to be completed.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the Minister say what will happen to those that will not have the required time, the amount of years by marriage, if they are going to apply under that category?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, I will try my best to be more clear in what I am saying. What I have been saying is that we will grant an extension of six months until the process comes to completion where the person actually does obtain Caymanian status.

So, it is an incremental system that allows them to continue to drive the bus because we realise the livelihood of the Caymanian spouses as well as the individuals who are driving. Given that they were carrying out this kind of service before we brought the law and regulations into effect, we feel morally obligated to allow that process to continue until matters can be rectified within the spirit of the immigration law as well as the traffic law and regulations.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Mr. Speaker, I wonder if the Honourable Minister could give the House an undertaking to look at these regulations because quite often it is very hard to find a Caymanian to drive a bus, if this could be amended to say Caymanians or spouses of Caymanians as drivers?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** We have no difficulty with looking at the regulations. In all honesty to the Elected Member for North Side, we have been looking at the regulations, but it is one thing to do that in relation to those who are already in the service, and it is another to do the regulation and open it down the road. So, I think we are in that frame of mind that, yes, we should do something to help the persons who are already for some period of time . . . we don't know that we want to open the door because there are more Caymanians coming along wanting the same licences and wanting to operate that route. Actually, there are many Caymanians on the route at the moment that wish to have additional buses and additional routes.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Is the Honourable Minister saying that there are Caymanians with routes maybe in West Bay who are now interested in moving into the eastern district where there is one particular Caymanian woman who has an operator's licence and her husband has a driver's permit but because he is Jamaican (and I don't think they have been married long enough for him to apply for status) that these persons will be put out for other Caymanians who are in the bus service in other districts to extend to that district? Is that what I am understanding?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I was basically clarifying the point that there are many Caymanians wishing to enter this kind of service and to have additional buses. There is no intention on the part of the Ministry or the Public Transport Board to put any operator who is presently there out of business. That is why we are using this flexibility in the system to try to assist the process until the person qualifies for Caymanian status.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the Minister say what policy prevails at present with regard to entertaining and/or granting new applications?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Our present view is that (and I have to be a little bit careful here because my source has been put to bed by a doctor so I did not get a chance to speak to him this week on this particular item so my information may not be as fresh as it should be for members) when there is availability in that area and a Caymanian applies to be a driver then we feel that the first preference should go to the Caymanian.

I know that there is some concern in this area, but there is not going to be any movement on behalf of the

Ministry or the Public Transport Board to create a situation where we saturate the routes with people on the routes, so much so that nobody on that route makes any significant amount of money. That is when the complaints will come—you approve them to be on the route and they cannot make sufficient money to satisfy their expectation because there are too many buses on the route.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I quite understand what the Minister has stated as a realistic position given the circumstances of these people who were operating before the regulations were made and all of that. I also quite understand that it is sensitive for the Ministry and the Board to deal with it in this fashion. But my question is, from a legal standpoint, and understanding that regulations exist, does the Board really have the right to do what it is doing?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, that is why I used the word “morally.” We felt it was morally right, I did not say it was legally right. And I think the member’s question is very pertinent to that legal aspect of it.

The Ministry and/or the Public Transport Board will have to take some decision, I think within the next six to nine months, about the whole process as to whether the point raised by the Elected Member for North Side, that the regulations should be amended, which will cause the persons who are now operating in the industry to fall within the spirit of the law. That is an aspect that we are looking at. But there are down sides to it so we need to be a little bit sensitive as to how we draft the amended regulations and be practical, reasonable, and moral about what we are doing.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Just to follow-up on the point the Elected Member for North Side made, and also the response that was just given by the Minister and understanding that given all circumstances a Caymanian who marries a foreign national expects that foreign national, while quite likely not being the holder of Caymanian status, to basically have the same rights because of that marriage, I think that in reviewing the regulations and understanding the sensitivity with it, there has to be a sense of natural justice in the process. Would the Minister give an undertaking to ensure that the regulations which exist are dealt with? If you look at the list of people you have now, the length of time that six month extension is going to have to go on and on will be for years. I believe the minister will not have the comfort of adding

six months indefinitely. I am asking for an undertaking that it be dealt with.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, I appreciate the sentiments of the First Elected Member for George Town. As I mentioned earlier, we have been examining this whole matter and trying to take a decision for the way forward. I don’t have any hesitation in telling him that the ministry and the transportation board will look at the regulations and try to address it in the best way forward.

Before we put forward the draft regulations to Executive Council, assuming we are going to amend it, we will ask for a caucus with Members of the Legislative Assembly to ensure they are in support of this particular amendment. On that basis, I give you an undertaking.

**The Speaker:** Are there any further supplementaries? If not, we move on to question 25, standing in the name of the Second Elected Member for Bodden Town.

#### QUESTION 25

**No. 25: Miss Heather Bodden** asked the Honourable Minister responsible for Education, Aviation, and Planning to provide an update on the classrooms now under construction at the Savannah Primary School.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman Bodden:** The new classroom block at Savannah Primary School consists of four classrooms and bathroom facilities. As of the first week of June the foundation and walls were completed with the roof and installation of plumbing and electrical work will begin on the week of 12 June.

The furniture fixtures and equipment order has been placed and the project is on schedule with completion by mid August in time for the opening of school on 4 September. The project is being completed within the prescribed budget.

#### SUPPLEMENTARIES

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Can the honourable minister say, now that the four new classrooms are some distance from the canteen the assembly hall, etc., if covered walkways will now be constructed so when we have rain the students won’t get wet?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman Bodden:** Covered walkways are a part of . . . I am sorry I didn't mention that before.

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Can the honourable minister say what the cost of these four new classrooms is?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman Bodden:** I think one was appropriated and is apparently going to come in a bit under budget. It's estimated to come in a bit under one million.

**The Speaker:** Are there any further supplementaries? If not, that concludes Question Time. The next item is Other Business, Private Members' Motions. Private Member's Motion No. 14/2000 Public Education System. Debate continues thereon.

The Fourth Elected Member for George Town.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 14/00

##### PUBLIC EDUCATION SYSTEM

*(Continuation of debate thereon)*

**Dr. Frank McField:** Thank you.

I was at the graduation of the George Town Primary School last night, and I was quite impressed by the standard of excellence generated in that entire atmosphere. I was moved by the dedication of the pupils and by the continuous dedication of the principal, Ms. Marie Martin, and the personal pride that she has taken and which she continues to take in accomplishing these tremendous results for the Cayman Islands.

It is quite clear to anyone who observes the educational system in this country, private and public, that there are many, many, many good pupils produced by the system. But we have tremendously dedicated teachers and administrators. Therefore, it was not the intention of the mover of this motion, nor has it been my intention to suggest that the educational system in this country has not assisted with the educational development of our people and in making them better citizens.

But the Minister of Education said himself (on 21 June 2000) that we know where the weaknesses of the education system lie, and we have put measures in place to counteract as many as these problems as we are experiencing.

The Minister of Education seems to have gotten a little bit upset with the criticism that has been levelled at the educational system. He suggested that to be critical

of the system would be to be critical of the strategies, and that would be critical of the persons who formulated the strategies. Yet the mover of the motion, the First Elected Member for George Town, states clearly, and I quote, **"In my view what is happening today is the system has some cracks in it and too many of our young people going through the system are falling through those cracks."**

So, if the mover of the motion is saying that it has some cracks in it—we know what that means in laymen's terms. It does not necessarily mean that it has holes in it. It has cracks. It is not perfect. There is still room for improvement. So, there is an agreement between the Minister of Education and the First Elected Member for George Town (who has brought this motion) with regard to the fact that there are some perceivable weaknesses in the system.

If there are some perceivable weaknesses in the system, it does not mean that when we discuss these weaknesses that we are condemning the system, condemning the children that have been successful in the system and that we are condemning the administrators. What is being said is that in order to improve the lot of those individuals that have fallen through those cracks, we need to examine the root causes of their problems.

Now, both the Minister of Education and the Third Elected Member from Bodden Town suggested that there are certain emotional or motivational reasons why some children are not successful. I would just like to bring to this debate part of an article which I have published in *The New Vision* newsletter and which the public is invited to view when it is shown on *Public Eye* on July 13<sup>th</sup> at 7.30 p.m. This will be the first showing. It will be repeated on July 16<sup>th</sup> at 9.00 p.m. (which is a Sunday).

I just want to share with the members here what Dr. Sharlene Barnes had to say that I think supports the position that we on the Backbench have been making. Dr. Barnes said, **"Now, school builds on the foundation. Research has found that when the foundation is weak the challenges are greater for teachers to develop illiterate persons. Researchers have also found that weaknesses, inability to read and write also affect learning in other subject matters such as maths, science, technology and career education, for example."**

**"School is the place where literacy is enhanced. It is a place where reading and writing are practised so how does the school build on home literacy? Firstly, it emphasises literacy in all subjects by teaching kids to be strategic readers and writers. Example, a science teacher who teaches aerodynamics, the kids not only create their own aeroplanes but they must write the directions on how to make them; the music teacher who reads once a week a story about a musician."**

**"Secondly, it has a school wide reading programme, example: DARE, Drop Everything and Read Programme, Storytelling Week."**

**“Thirdly, it teaches test taking study skills. Example, dealing with word problems on a maths test, answering essay and multi-choice questions.**

**“Fourthly, it has a business partnership. Example, a Careers Fair where employees demonstrate the kinds of literacy demands at work, a business whose employees donate reading hours.**

**“Fifthly, it provides staff development opportunities, example work shop on reading and writing strategies, teachers attend literacy conferences. Are these things happening in your schools?”**

So, if we are going to make the argument, as was made by the First Elected Member from George Town, that the majority of the people in our society today (what we call middle-class citizens) are imported middle-class, he said, **“There is nothing wrong with them. Many of them are my friends and many of them are friends of all of us in here, good people. But you see, those people find jobs in these islands because of the demands and because they have skills. I am not talking about managing directors, doctors, lawyers; I am talking about professionals who have skills or trades—the auto mechanic, the plumber, the electrician, the air conditioning technician, those kinds of people.”**

So, one of the points we have been making is that the lack of literacy hinders not just the child’s motivation to learn to be an auto mechanic or an electrician, but at the end it prevents the child from wanting to learn at all because the child grows to accept himself or herself at an early stage as a failure. Therefore, he or she is not sufficiently motivated to even take advantage of the opportunities that are provided by the educational system in this country.

Now, this is why it is important for us to question the literacy rate in the country. Until the Minister of Education can provide the Legislative Assembly and this country with statistics that give us an indication of the end product of his educational system in regard to the majority of people—not with regard to the top talented 10%, but in regard to the middle and bottom 50% or 60% that come out of the school—until he is able to offer us statistics that would prove that these weaknesses that he says he is aware exist in the school system and are really being taken care of, I would be inclined to go along with what the First Elected Member for George Town has said in using the National Youth Forum and the comment which he made saying that over 150 youth service professionals attended a conference and they all agreed that students would develop in a more positive manner if they were doing something that came naturally to them, which they enjoyed, and were willing to focus on.

So, if we have people who are dealing with young people outside the school system, who do not have a particular civil servant’s loyalty to the school system, making this kind of comment, then it questions again the information and the source of the information. It is all fine and good for the Minister of Education to say we should not question. But we are saying he is dishonest. It is not that we are saying that the people who are giving the

information about the perfection of the system are dishonest, but we have contradictory information. This was the reason why the motion was brought, by using this contradictory information to be able to establish the basis for a debate that might go towards getting the Government to see that there are some urgent things that need to be done in terms of improving the educational system at this particular time.

Now, if we have also mentioned the rate of juvenile delinquency, all we have to do is go out by the Town Hall tomorrow to see the number of juveniles attending court sessions. Speak with the people at the Marine Institute. Speak to some of these youngsters to see if the educational system has not failed them. Then, certainly, the Government has failed. Someone has to be responsible for these persons since not even the law accepts that these youngsters are of legal responsibility. In other words, they would not be able to enter into any kind of private contractual agreement with anyone. So, until they have reached that age, then somebody has to be responsible.

It is good to say that the parents are, but like I have said, the same parents we are talking about now are people who were educated by the same educational system that the same Minister was the Minister (or Member) of Education back then.

So, if we have a problem we want to check it out with regard to literacy. We cannot go and say that we want everybody in the comprehensive school system to be treated the same way, because that is the problem with a comprehensive plan of anything. If you have something that is comprehensive, all encompassing, it takes into account everything. Well, those of us who deal more with human beings know that it is ideal to be able to discriminate positively and say, *‘this one goes into this category and that one goes into that category’*. We can categorise the persons that we are dealing with in such a way that we can specifically design programmes to deal with each individual case if possible. That would be the ideal system.

The ideal educational system would be the tutorial system, a Platonic type of teaching. All we have to do is go back to Socrates, the Greeks, the people who really started to develop and broaden the whole concept of knowledge. To know that one of the things that Plato said was “To be a teacher you must love them.” The Bible says so, I think Matthew says so, and Timothy says so as well. We have to love them to teach them. I am not saying that the teachers don’t love the kids. But, of course, it is easier to love one on one than to have 25 or 26 and love them all.

What happens in that type of environment is that one student believes that the teacher has favourites, and he is not the favourite and she does not have enough time for him, and so forth and so on. So, the ideal system would not be the comprehensive system. The ideal system would be the tutorial system where we could develop one to one.

It goes to show that the smaller we can make our classes the more productive could be our results. Even if

we could not have the one-on-one tutorial system, the ideal system would be like what I benefited from when I was at university in New York, where we had seminars or small workshops. That's much better than being in a large lecture hall or something like that. It has an impact because the most important thing is for the student to understand that he wants. He wants to get into the teacher's head and extract all the knowledge. The closer he comes to the teacher, the more he begins to feel that it is desirable and it is permissible because that is basically what we are.

The most important thing is that we all have to realise that the supreme action is the attempt to be recognised. We are all seeking recognition. That is why a lot of us run for political office, because we want to be recognised as having a certain value. Well, the children in the school are seeking recognition from the teachers as well. That is the reason why I was so impressed by Miss Barton's school. That is why when I visit Miss Barton's school I am always impressed by the way in which she recognises her pupils and the way in which the pupils recognise her.

All you have to do is to watch one of these primary school graduations, or the interaction between the primary school teachers, the pupils and the principals, to understand how well that unit functions and how it breaks down later on simply because nobody takes into account the fact that we are dealing also with a specific social cultural group of people. To not recognise that is almost like doing people an injustice.

So, the literacy programmes that begin in the primary schools have to continue in the secondary schools. It has to be emphasised in the secondary schools because if they are not the children will fall behind and a lot of our young people who go to primary school are successful to a certain extent in learning to read and write and to pay attention to instructions. Then when they go to the middle school and the secondary school there is retrogression. There is a whole movement backwards because it is not that kind of primary environment—the environment then begins to lose that familiar parental type of guidance, caring, sharing, and love.

Now, does that mean that I have answers to all the problems? All I am doing, Mr. Speaker, is approaching it from a different aspect. I am giving the Minister of Education, the Chief Education Officer, and all those persons involved in education in this country, a possibility to see education from a different angle, from a different perspective. Even if it is just from an individual's perspective rather than from some formally educated perspective, it is a different perspective. And it is significant because it opens up the possibilities for us to find cracks in the system and to be able to mend those cracks so that people do not fall through them as if they were holes.

Discussions are good, but it is part of the culture of this country almost that as soon as you start to challenge the strength of somebody or something, you are the most terrible person in the world. But unless we are able to have a strong enough ego and identity to be able to look at ourselves and really thoroughly examine our-

selves, we will never be able to strengthen ourselves. We will never be able to accept that the weaknesses exist in ourselves. That is part of the problem.

It is unfortunate that we have to bring foreigners into the country who have to keep our secrets for us because we tell them they have to be tight-lipped otherwise we are going to ship them out. So, when we have the civil servants that are teachers talking about the problems in education they get fired. So, how are the teachers going to come and really tell the society that there are any problems? We will never know, and this has been part of the problem.

When we import teachers, they cannot talk. And we have heard that sometimes our government—not just this one but past government—likes to import teachers because they become more controllable.

Now, who do we believe today? Do we believe the Minister of Education when he says that whatever problems there are in the system, they are being taken care of, are being solved? I still say that cannot be so because if you want to be able to find some of the problems you have to go to look for them. Give a literacy test to see how many of those children that are graduating this June can read and write to the level that somebody would employ them.

**The Speaker:** May I interrupt you for a moment. I have a specialist appointment at 11.30 a.m. If I am not back, the Honourable Deputy Speaker will take the Chair.

I would like to suspend proceedings at this time for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 11.24 AM

#### PROCEEDINGS RESUMED AT 11.44 AM

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

**The Deputy Speaker:** Proceedings are resumed. Debate continues on Private Member's Motion No. 14/2000, Public Education System. The Fourth Elected Member for George Town, continuing his debate.

**Dr. Frank McField:** Madam Speaker, the Minister of Education said in his debate on Monday that what a young man or young woman decides to do with his or her life is largely a matter of motivation and attitude. The Third Elected Member from Bodden Town said that if he was running the educational system he would ensure that there was a Family Start Programme, and in this programme, parents would be educated to their responsibilities.

Now, Dr. Barnes also said, **"I have come to the conclusion that literacy is one of the top aspects in having a successful lifestyle in the home, school and community. I am not talking about education as education mainly pertains to school. I am talking about literacy, the ability to successfully read and write, to comprehend what is in print."**



She talks about the role the parent needs to play. In other words, the family has a role to play in the education of the child. The school has a role to play in the education of the child. The community has a role to play in the education of the child. But if the role the parent is playing breaks down, the role the school is playing will break down. So, they have to work together in an interdisciplinary way to make sure that each institution supports the other—the family supports the school and the school supports the family, and the community supports the school, and the school supports the community. It has to all be reintegrated because, in our desire to give responsibilities to different people, we might have pulled it apart in the process.

Madam Speaker, I think I have made a good case to suggest that first of all, we can still question the genuine results of the public education system, not from the point of view of those persons attending colleges and universities abroad, but from the point of view of those many that are finding it difficult at 18 to 20 years old to get jobs. It would be good also if the Labour Department was not a Government institution, or did not have that civil servant responsibility. Perhaps then they would be able to print some more meaningful statistics with regard to unemployment among young people in this country.

I have had so many young persons come to me and say, "Dr. Frank, we are looking a job but we cannot find a job." There are no jobs because there is no point for them to start.

We are really saying, though, that we need to pay more attention to those that are not being successful. The reason now is that stability in the society cannot be maintained if Caymanians are going to feel that they are not getting their fair share of development. How are they going to get their fair share of development if it is not by way of participating in the work process and by having the kind of skills to be able to exchange for the types of rewards that they feel they are entitled to?

So, we see that the educational system has to be looked at beyond what the educational system does as proof of its mission—which is to give a final examination. The final examination is not the test given by the teacher. The final examination for the student is when the student walks out into the community and begins to play a meaningful role in creating productivity and in preserving stability.

So, if we are having discontent, and I think this is where the First Elected Member for George Town really plays a very important role in getting the grassroots opinions about things because they will go to him and speak very honestly—perhaps more honestly—to him about the way they feel and what they are experiencing than they would to me or any other Member of the George Town constituency. So, if he is bringing this motion, then I believe he is bringing this motion within the framework of exactly what I have been describing—he is bringing it because there appear to be too many problems which seemed to have been as a result of the educational institution not being able to impart an education to our young

people and, in addition, it has not been able to make them literate.

Therefore, there is a possibility that the Minister of Education can accept this motion by saying that he will, at least, accept that he deserves to give us and the country proof that the people who they are sending out of the school system are functionally literate. We are having the feeling from some of the young people from testing them, talking to them, and from potential employers, that there is some weakness here and I would like him to give us this information.

Now, relying upon teachers—who are civil servants—to get information when we know that teachers in these islands do not have that supreme right to argue for their own benefits . . . because if they were to approach members of the Legislative Assembly to say that they felt they were being unfairly treated with regard to training and promotion. They would be called up and they could lose their jobs. So, who are we, as Members of the Legislative Assembly and the public to rely upon for information with regard to the success or failures of the educational system? It can be all hidden from us because we have no access to that information.

Now, we have heard about the school Inspectorate and that system has just started. We get an idea of basically what is going on there. But I know the way the running go in Cayman, and I am not saying that any independent body compromises itself, but there is a certain amount of reality that everybody goes by. I believe the final proof in the pudding that these kids can read, write, and comprehend, and I will believe whatever it is that the school Inspectorate is saying.

I know that there was a lady on the island very recently that did a report. And I understand that the Minister of Education will table that report. Well, if the report is not tabled before the elections I am going to make a big thing out of it!

From the rumours I heard this person was very critical of the entire programme. We see that 95% of the children at Rehoboth Centre have remedial difficulties. It all goes to show that we need to have a new direction in our educational system specifically geared toward trying to maintain literacy among our young people. When they become literate they can read plans as carpenters, masons, mechanics and plumbers. They can read and get involved with the computer; they can do all of these things if they are literate.

I would like to give you an idea of how I learned to read. I had already gotten through the high school programme, and I dragged myself through the American High School Programme because of my lack of ability to read. Even though my ability was improving it was very slow. Having to take an entire academic programme meant that I was trying to do French, biology, arithmetic, English comprehension, and so forth. It was such a big programme that with my reading skills I could not really manage it. So, I had a communication problem with the teachers. But some teachers decided that I was special because I happened to have been from the Caribbean and I was on a small island called Staten Island in New

York. That was between 1964 to 1967. I graduated from Curtis High School.

The main thing was that the teachers focused on me because I was already an educational failure in the Cayman Islands. I was already out of school before I was 15 years old and was helping my father do a little bit of construction work when we could find that.

So, I had to go to the libraries in the evenings to get away from the noise in the house. Again, it goes to show how housing plays a role in making education and learning possible. If people are living in overcrowded conditions and noisy neighbourhoods, they are going to have educational difficulties because of all the distraction. In New York, I went to the library and I tried to study there. I had the possibility to think a little bit more about the development of my personality and what I wanted, and to make my personality and my goals a little different than those my family might have had. I began to have the possibility to separate that umbilical cord in trying to create a new identity—an identity based upon a new culture of learning.

I graduated from high school, but my English was still very poor. I was given the possibility to take English as a second language. They had an experiment at that time called College Discovery. I started the College Discovery here I think in 1978, which was really named after that because of the fact that I had been involved in this programme.

Now, I went to NYC Institute. This was geared towards people from Puerto Rico, Dominican Republic, basically Spanish-speaking people. But I, as an English speaker, had not really learned English to the extent where I could exercise my ambition within that language. So, they showed us how to break down sentences, how to rebuild them—I mean, it was just like how you go to learn how to take down a car and put it back together. It helped, but I had to have help even at that particular point. I had to pay attention to that particular weakness, and so I grew.

When I came back here and I started talking about Head-start programmes, talking about pre-school programmes, I was not just talking about something that I learned in books, I was talking about my own personal experiences. People probably think *'well, he is probably one of the most literate people that we know—he writes plays, letters, and he does all these things. . .'* Yes, I do it. But I do it with great difficulty because I did not learn the grammar, the spelling, and all those things easily when I was young.

I had problems, but I don't know whether or not those problems were partly physiological or cultural or what, but I had a problem learning. Even when the teacher was there with the strap frightening me, it just caused me to make more mistakes and I stammered and stuttered.

I wish that when the Minister of Education listens to me, he would understand that I am one of those kids who fell through the cracks in the educational system and who had an opportunity through a Head-start, Discovery programme. The community could not afford to

have any more failures—they got involved in supporting families. In going to college (I started at the Borough of Manhattan Community College) my books were paid for and I had a special counsellor that was there for all the kids who were in this programme. The first semester I did very poorly, but the counsellor kept us going because we were able to talk and walk through these programmes.

Why don't we have these types of people operating in greater numbers within our secondary school system? It doesn't have to wait until college to try to weed these particular problems out.

I am telling you this story because when I get in here and I talk, people seem to want to make fun of me, they say, *'where do you think you are from? And where do you think you are going'* and so on. I was at the graduation last night when the Minister of Education said, *"Mister Frank McField and Doctor Tudor."* When I have a PhD—just like the Chief Education Officer—why is it that the Minister of Education still has the psychological difficulty? We call that a Freudian slip. He still has difficulty integrating into his subconscious self the fact that I am educated and that I have that title.

Now, some of us might have seen this interesting article that was written in the *Caymanian Compass* from a Professor Dr. Dirk Hoerder from the University of Bremen. Now, I have corresponded with the Dr. Professor at the University of Bremen because I did my PhD at the University of Bremen some twenty-something years ago. Why is it, after receiving a PhD in 1977, the Minister of Education still has a problem remembering that is exactly what my title is? It is used officially in this Legislative Assembly and it is used officially when people vote for me—it is not "Mister," it is "Doctor" Frank McField.

If we are not going to take pride in persons that have achieved higher education in this country—like me—how are we suppose to have little Negro kids in this country take pride in wanting to be educated? They are going to be called educated fools, or sissies, or something like that. If Frank McField at 52 years old cannot be called Doctor Frank McField at a graduation for those little Negro kids in George Town what are we telling them?

Now, I have two books that will be published and they will be launched on 28<sup>th</sup> July. I hope that the school system finds a way of finally using this material in the schools to help kids, because I am talking about feelings and ideas that I believe are relevant to our society. But when the Minister of Education gets up in this Legislative Assembly condemning Caymanians in a way but yet holds something up from South or North Carolina . . . Come on, where are we?

He talks about the fact that the Third Elected Member from Bodden Town—the future Minister of Education and Culture in this country—has a good education, why is it that good education has not been given the possibility to have an impact on the good people of this country? Has the Minister of Education played any role in this? Or isn't it important that Caymanians who are qualified be included in creating the educational strategies and policies—only someone from someplace else.

Why is it that at this particular point in our confusion as a country from the point of view of identity and heritage we cannot find a Caymanian to be the Chief Education Officer?

Madam Speaker, I think, there are people who believe that education could be improved in this country if the right people were in the positions. If we had an Education Minister who was able to include people like myself, and was able to say, *'okay, you are the first Caymanian writer, and literacy is important. Let us get your books and bring them into the schools and work with them.'* . . . but no, there seems to be a deliberate attempt to ignore us.

I don't know how many people know about Jean-Paul Sartre, who wrote this thing with regard to recognition. You see, what he was really philosophically trying to do was talk about the relationship between the master and the slave. And, basically, all the time the slave was trying to be recognised by the master, the master was trying to pretend that the slave did not exist. So, a lot of times our relationships in this world have to do with denying other people's existence or the quality or value of their existence.

We don't think that has any impact on conditioning the attitudes and the ability to be motivated. But why should the children want to be motivated, when I had to come back and I had to be treated this way? Not just me, but more like the Third Elected Member for Bodden Town as well as others who have gained education in this country, who continue to say that they are never accepted the way other people are accepted. Their opinions are never regarded the way other persons' opinions are regarded. We are always seen as troublemakers, as wanting to say something bad about our country and ourselves.

I am as patriotic as the next man. And I understand why the Third Elected Member for Bodden Town did not become the Minister of Education in 1982. A lot of people talk about him on the streets as if he was not interested. Madam Speaker, I have been in this Legislative Assembly long enough to see how the politics go and sometimes perhaps the best thing to say is, *'go ahead and form Executive Council and leave me out of it because I am not willing to go to that particular level—*

**The Deputy Speaker:** Honourable Member may I interrupt you for a minute, please? I have allowed you extreme latitude. I would appreciate very much if you could now bring your debate into the body of the motion, please.

**Dr. Frank McField:** Madam Speaker, I guess you understand that you cannot have a system without people, and therefore to talk about systems and not talk about people is almost like a waste of time. So, if we are going to talk about how to correct this system there is no reason why we should not talk about who we think could be used to correct the system.

**The Deputy Speaker:** Honourable Member I am not saying that you cannot talk about how to fix the system. I have no problem with that. But I have allowed you extreme latitude and it does not make any sense for us to sit here and go into the past on the Third Elected Member for Bodden Town or any other Member. I am saying, let us get back to the motion before the House.

**Dr. Frank McField:** Madam Speaker, that is fine and that is the reason why we can never go to the past and that we will never have a future. I think that is one of the main problems with this country.

But my discipline tells me that in order to be able to explain one has to explain it within a framework that makes it interesting and understandable. I am not going to argue that point. I am going on to talk about the fact that we need to change the way in which we do education in this country.

There is no point in us pretending, because I hear people complain all the time about the fact that there is no discipline in the schools. Who is responsible for the discipline in the school? If there is no problem, then we don't have to worry. But I am afraid I don't want to wait until something sneaks up on me. Like I said, I live in a different area than the Minister of Education. When he goes home in the evening, I can assure you that he goes someplace else. I live in the dense areas where I see the people, where I see the problems, where I experience the attitudes, where I see people coming because they cannot support themselves or because they don't know how to actually budget, how to manage their own affairs. Well, if they don't know how to manage their own affairs and they went to school, there must be something wrong with the school system.

When the English went through the Industrial Revolution and the people moved from the agricultural areas to the urban areas, the people fell apart. The public school system was created and extended in order to create social harmony and to improve productivity. It had a specific purpose. It was related to the national experience the country was going through. What kind of consideration is being made with regard to the national experience that our country is going through? How is our education system being moulded each day to deal with that? All the strategic plans in the world cannot convince me that I have not been denied the possibility to contribute to the educational system in this country. That is what I am saying.

I am saying that just like I contribute to the parliamentary system in this country I wanted to contribute to the educational system. In taking on the task of writing a play and showing my desire to be literate, pointing out the usefulness of literacy, I have probably done more for education in this country than the persons who have spent their money using a profession to make a lot of money. It is a value judgment, but it is my position. A lot of people think that's all a waste of time. But if it is a waste of time why do they teach them Shakespeare? Why, at this point in time, don't we have Caymanian history being taught in the schools? Why, at this particular

time, don't we have civic education? How is it that we have kids who don't even understand the democratic process coming out of our school system? And then say at the end of the day that there are no cracks in the system.

Madam Speaker, I am going to conclude my debate because I believe that when the First Elected Member for George Town gets up, he will take my fire to even higher heights. He knows exactly where I am coming from. I know where it is that he is coming from. I see him in the neighbourhoods and I see him with the people. I know that he did not bring this motion here simply because it is a political year. He brought the motion because he knows the problem of the community. Sometimes it is hard for a bunch of us who face the problem and who cannot hide behind the offices to do any more than sometimes say, *'well, we are sorry here is a few dollars maybe that will help.'*

I have come to the point now where I need to know how the Government as a whole in this country can be changed in such a way that we can have coordinated efforts to improve the productivity and the understanding and the way of life of the people in this country. I do not believe that I have any less a right to wish good to the Cayman Islands people than any other person regardless of where they stem from. I do believe, Madam Speaker, that people should not be distrustful of my desire to see their kids educated because I know the value of an education. If I had never had one I would not be here today with all of the things that I had to go through.

My mother spoke Spanish as her first language. And when she spoke English to us, perhaps we heard Spanish. Maybe she never had the little English education to give us the start that we needed. But at the end of the day, I will not let anybody convince the people of this country that Frank McField is a bad person because Frank McField comes from a different social class, from a different social cultural experience than the Minister of Education. I accept that. That is life. We are all moulded differently and we should all be allowed to play a role in improving the general good of our community. Thank you very much.

**The Deputy Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Madam Speaker, I expected there would be a long debate because of the importance of the resolution. I did not expect that it would be this long, but I have heard many good points raised in this debate. If I should say so, I am glad that the Minister could illustrate many good things that have been accomplished, but I am sorry that so many things still need to be done and have not been done.

I was not fortunate enough to attend a high school, a college, or university, but I did get a good grounding, I believe, in the primary system at the time. I did not get a degree of any kind. I attended the college of hard knocks. And in this political life, one never graduates

from that university. It is a continuous thing of hard knocks.

Madam Speaker, I value a good education and I have always tried to assist our young people to get a good education and a degree. I am glad that I was able to do that over these past twenty years. I am glad that I can look around and see not two or three but many—more than a dozen—young people that I have assisted. They are living a constructive life making a living, making a contribution to these islands. I am proud of our Caymanian young people that had the opportunity and are doing well.

Madam Speaker, many persons—hundreds, in fact—worked on plans and initiatives to put education on a proper footing. They put forward their ideas some years ago. Unfortunately, too many fundamental matters have not been dealt with since those recommendations were made. It is not that the system of education is so bad that it cannot produce because it shows that we can produce.

There have been many changes over past 30 years. Some people were displaced and some pointed out that children are still coming out of school and cannot properly complete an application form to get a job, while the poor child is trying hard to get a job. That is the life I see around us. Those are the complaints I get.

In cases, children have come to me and said, *'I applied for this job but I did not get it. Can you check on it for me?'* Sometimes there were things left out of the application form, simple things. These matters can be rectified and should be rectified. There are cracks in the system that allows this to still happen. Unfortunately, policies to stem the tide of the problems we face are not in place and have not been in place for many, many years, during several administrations in fact.

Madam Speaker, I am glad that we have started to teach more about civics in our schools. But while this is going to help future generations (because they are starting it from the primary level), it is not helping many 24- and 30-year-old people. Sadly, a lot of people don't know much about what surrounds them. I am not criticising anybody. It is the system that we have lived in.

I cannot understand, Madam Speaker, when we find rules or regulations in high school where you cannot graduate (although you might have 4 - 6 "O" Levels), because of one fight you have had . . . this does not do anything for the child. And I have gone through this. I have heard other members talk about it and I have seen it in my constituency. After that child has attended high school, gone through primary school has done well enough to get 4 to 6 "O" Levels, I would hope that the matters of discipline, while we certainly need discipline in the schools as we have all lamented, could be looked at.

Madam Speaker, I believe that proper truancy is not taking place in the country. As you move around you see children from the primary level out on the streets and you ask them what they are doing and why they are not in school. I see it in my district, I see it in other districts, and I hear other members complaining about it. Yet, as I un-

derstand it, we only have one or two truancy officers. This cannot bode right.

Madam Speaker, in my day we only had Mrs. Hilton and that was like thirty years ago. And we still have one. I don't know whether any plans are in place to deal with truancy, but I believe it is a serious matter from what I see on the streets. There are far too many children not attending school. So, I believe that we need a proper plan to deal with it and then the school needs the officers to deal with it.

Some members mentioned after-school programmes. I am glad that while I was in Executive Council it was something that I paid much attention to. Proper after-school programmes can help this community, not just help the children with education and help them do their homework or get them a better grasp of a scripture lesson, but it keeps them out of trouble at that particular time from 3.00 p.m. to 6.00 p.m. in the afternoon when children are prone to be left alone either in the home or on the street.

I hear it lamented. Everybody is talking about these crowds that gather by the Anderson Building. Madam Speaker, why hasn't the ministry responsible pushed the issue of getting those children into some sort of after-school programmes? It is not easy to get the community—I know that because we tried and we got criticised for dealing with the Rehoboth Programme. But we went ahead and got the building. One of the Rotary Clubs made a proposal to our ministry and I jumped at the opportunity because I realised that area had many children that were not being attended to and a programme as such would have been able to help and it is helping. It is working whether some people like it or not.

I just cannot see why after I have been out of Executive Council since 1997 that there has not been one after-school programme started. Not one! And there were plans left that they could use school buildings and we do have good school plant. It is the only country in the Western Hemisphere (when I say Western Hemisphere let us talk about our territory, the Caribbean) that has such good schools and the money we have invested. They are the only ones that are not being used properly. Why not pay teachers to get involved with these after-school programmes in the schools and utilise our school buildings properly?

Madam Speaker, there is no proper hotel training school. While the Community College has some good facilities, I believe this needs to be taught at primary level. We are here pushing tourism, spending millions of dollars on it. We are talking about upgrading our tourism product. Madam Speaker, we need to get our young people understanding that it can be a good career and there is money to be made.

I believe that emphasis needs to be put at the primary level. We might be starting late, but we must start hotel training. One member spoke about that year that I as the Minister responsible had to do hotel training. Well, I was responsible for labour and I saw that as part of labour—not as part of education—but that is where you should have ministries working together. At this time I

should say also that is why we only have five elected ministers so there is bound to be some crossover with subjects but why can't training be part of labour? Why not? In other countries it is. Why can't culture be part of sports? In the Commonwealth it is known to be. Tourism, also. So, I won't agree that culture has no place in any other ministry besides education.

My record stands on the performance in the cultural ministry. There we created the national hero, the national bird, upgraded the museum, put programmes in place. We have a National Children's choir. We started CAY-FEST, which I believe one of these days will be our national festival from that aspect of things. The libraries tried to put libraries in the districts. All this was accomplished while under my ministry and I don't have the time this morning to go through all the accomplishments. If you have a committed person, no matter where it is, the job can be done.

Madam Speaker, we have some very good students and we must assist those good students but we have to pay more attention to those that are falling behind.

Sometime ago we talked about the policy of requiring students to spend two years at the Community College prior to obtaining government assistance for study abroad. I would have hoped that I could have been told before I debated what, if anything, has been decided because I agree that it is necessary to set a clear cut policy on the matter. However, the system must be flexible and the Education Council must have discretion to make exceptions if they are going to continue in that vein and must exercise that discretion.

The need to support the Community College is a real one but without exceptions students could be disadvantaged and discouraged where attendance at the Community College may not be appropriate to them. This could be both detrimental to the student and to the country in general in terms of our ability to staff our workforce. The Community College two-year post high school programme could be more appropriate to students wishing to further their education, let's say, in United States. It is not always appropriate to students, from what I can gather, wishing to pursue qualifications in England, the West Indies and in many cases, Canada.

In any case, Madam Speaker, it is not realistic in relation to exceptional students who earn scholarships or places at first class institutions in various parts of the world to deny them needed government assistance simply on the basis that they would not be attending the Community College. Very importantly, where students are aiming for specialist fields of study it may well not be appropriate to expect them to do two years at the Community College.

Madam Speaker, I am saying this and I am paying particular attention to it because I have some complaints from my district. I will take time out to deal with just two, but I have had several. One wants to do a behavioural sciences degree that is in psychology and sociology. I will read the core requirements, research methods, cultural anthropology, principles of sociology, sociology of altruism and compassion, introduction to psychology,

racial and ethnic relations, marriage and the family and into that you would have social change, conflict and resolution, the human side of spirituality, human behaviour and cultural adaptation. In addition to that, other modules would include contemporary social issues, sociology of relation and spirituality in Europe, theories of personal and social adjustment, psychology of adolescence, theories of personalities, marriage dynamics and growth and criminology.

Now, Madam Speaker, a child wanting to do this degree this is what they will have to study, what two years will do for them at our local community college I don't think can help.

There is another student written to, **"You are invited to attend this year's graduation to receive your Honour Student Certificate. The ceremony will take place on 27<sup>th</sup> June 2000 at 7.00 p.m. at the Agape Family Worship Centre on Fairbanks Road.**

**"In order to assist us with seating arrangements, please contact the school to indicate whether or not you will be attending the ceremony.**

**"You should collect your invitations in June, one for you and your guest and one for your parents. Admission will be by the invitation card only, one person per invitation.**

**"Seating will be reserved for you and the ushers will direct you to the appropriate seat.**

**"We are requesting that for this year you wear your royal blue gown from last year as well as your cap. You should collect a 2000 parcel as well as your honour scroll from the Acting Principal prior to the ceremony.**

**"Honour students should wear a white blouse or white shirt and dark skirt or dark pants under the gown. No student who is improperly robed will be allowed to walk across the stage. If you do not have a gown, please contact the school. If you are unable to attend, a member of your family or someone designated by your family will collect your certificate.**

**"Please assist in complying with these requests. If you need assistance, please call Mrs. Kapoor. We are especially honoured to have you attend this year's ceremony. Your numbers indicate an excellent performance last year and I trust you will allow us to applaud your achievement."**

Here is an acceptance letter from the University of Miami, **"I am pleased to inform you that the Admission Committee has approved your application for admission to study at the University of Miami. Congratulations and welcome to our family.**

**"You may begin your studies in the fall semester, August 2000 in the pre-medicine programme in the College of Arts and Sciences.**

**"The University of Miami enjoys a significant academic reputation has one of the top research and teaching institutions in the country. You will be joining an excited academic community located in a beautiful and dynamic suburban setting. You should feel especially proud of our offer for admission.**

**"Competition for admission is particularly keen this year as a record number of applications have been submitted. Approximately 13,000 students have applied for the 1,800 places in our freshman class."**

I should stop here and say that probably over the Western Hemisphere, the University of Miami has an excellent pre-med programme in the College of Arts and Sciences. So, our Caymanian out of 13,000 applications and 1,800 places has obtained a spot.

**"We speak for the entire University of Miami community in saying that we recognise your fine academic record."** I will stop there, Madam Speaker.

Now, telling a child that has gone through all this that they cannot get a scholarship and he or she must attend the Community College, while the country is importing doctors from all over the Commonwealth and all over the world will do that child no good. Right now the child is down in the dumps. I only wish that I had the capacity to say to that child, *'Go ahead my dear, here it is, I will fund it for the next five or nine years, whatever it takes for you to become a doctor.'*

I don't know where the policy came from and I don't know what happened, but I wish that I had heard before I debated what changes have been made to it.

**The Deputy Speaker:** Honourable Member would this be a convenient time to take the luncheon break?

The proceedings will be suspended until 2.15 p.m.

#### PROCEEDINGS SUSPENDED AT 12.43 PM

#### PROCEEDINGS RESUMED AT 2.50 PM

[Hon. Mabry Kirkconnell, MBE, JP in the Chair]

**The Speaker:** Proceedings are resumed. Debate continues on Private Member's Motion No. 14/2000. The First Elected Member for West Bay, continuing his debate.

**Mr. W. McKeeva Bush:** Mr. Speaker, I believe that we have a good Community College. It is an institution that has grown by leaps and bounds. One of the problems that we are experiencing is that I don't believe it gets the support that is needed from the ministry level. Certainly, they have a good board but not enough is done to alert our people in the marketing of the Community College. Not enough is done to let our young people know what we have in that Community College. That is a big problem. It has to be, Mr. Speaker, when you are moving around this country and you hear so many people say, *'well, we don't have this opportunity and we cannot do this and that'* yet we do have that institution with so much available there. I know when I get on a public platform I try to inform people as to the merits of the Community College.

I have faith in the president and the board in that they have done a good job to build that institution. I supported the former Minister of Education strongly in the building and funding of the College in 1987. I believe that it is one of the good assets that this country has. I would

hope, Mr. Speaker, that one of these days that could be the University of the Cayman Islands—it has the ability to become the University of the Cayman Islands. There is no reason why we should not strive to that level. What a good thing it would be if we had our own university attached to one of the stronger universities in England, the U.S., or Canada.

Mr. Speaker, one of the things that I think is wrong in the system is that there is not enough emphasis put on information technology. I don't believe that we have sufficient ability with computers thriving from the primary level. I make reference to when the permanent secretary for education and I went to Singapore. We saw that primary school children could hook up the permanent secretary to the Cayman Islands from their primary school. I would like to see computer labs in all primary, middle and secondary schools, and computer training for all government primary and high school teachers. I believe all students should be scheduled for at least two periods per week of computer education. That is the way the world is going and we are talking about the age of information technology. We must put more emphasis on our children at that level because that is the way they are going to learn in the first instance as the years progress.

Mr. Speaker, I spoke sometime ago at length on a careers advisory service. At that point, something was said in the local press about MLAs sticking to the subjects that they know. Well, I feel it is my responsibility if I see something that is not put in place that I believe is good for this country, I should speak on it whether I have a degree or not.

Mr. Speaker, I believe the same way that we have an Education Council and we have a secretary of that Education Council, we should have a similar setup for a Careers Advisory Service or a centre. It can be to disseminate information on scholarships available, public and private. It's main objective, of course, to advise in careers, to start from middle school level with heavy emphasis in Grade 10 or thereabout before the students select subjects to be studied in grades 11 and 12. I keep saying it is so important that students be able to select subjects that are relevant to their chosen careers. But they cannot start off wanting to be a doctor and then end up midway with something else because they did not make the right choice in the first instance. The careers' service should be all about that.

I believe, Mr. Speaker, that we should give local scholarships. And I believe that some of that is being done at the Community College to all Caymanian students enrolled in fulltime studies irrespective of their level. We all talk about a learning society and lifelong learning. Perhaps, it would be a good thing to encourage a more learning society by giving one day off per year for all employees from the public and private sectors for educational purposes.

I think someone already mentioned that there should be an accreditation council. Again, similar to the Education Council, we could have this accreditation council evaluate on local tertiary educational institutions and programmes. There is no reason why we should not

have it. We cannot progress, Mr. Speaker, if we don't have some of these things put in place.

Mr. Speaker, one of the things that I have recently been concerned about is the high cost of buildings. I understand that one of the new schools is slated to cost some \$375 per square foot. Why in the world would a building for a school cost that amount of money? I cannot see why Government is allowing figures to go out in the papers to say that they are willing to pay \$375 per square foot for buildings when it is only four walls. If they are talking about bringing it to hurricane strength then that should not be that more cost because you are only talking about some more steel and bolts for tying down the roof.

Now, I talked to a contractor about it and someone else told me that it should add ten percent more on to the building cost. Why in the world is the Government going to pay \$375 per square foot? All that is doing is taking money that the country does not have and allowing for cost to be pushed up on the rest of the public in this country, and Government sits down and allow this sort of thing. I would hope to see some changes in that direction.

There have been many changes over the years. But I believe constant changes need to be made for this country to be kept in step of the changing times in which we live. I don't know how much will be or can be done between now and September when the House will be prorogued, but there are a number of things that need urgent attention that I think can be done in the meantime.

I believe that we have some good staff in the administration of education, dedicated people, that is, in the Education Department and in the schools. Mr. Speaker, for what we pay our teachers can we get better ones? Being mindful of the fact that our teachers take our children all day and some of them stay well after school to give them extra time, I would certainly hope that a new administration would set a better pay scale for teachers because I don't believe that we should be paying them the small salary they are receiving.

It is profession that is a noble one—one that the country cannot do without. I believe that more emphasis must be laid in that direction. I thank them for what they have done for this country. Many of them make sacrifices, some of them have not been given any security of tenure and I would hope that could be strengthened out.

Mr. Speaker, somewhere down the line it has been said that there is much concern for the young people because there are so many young people seeking office. I am not concerned about that. I think it is good in a country when we are so free that anybody can seek elective office. I think it is good to see so many young people interested. I certainly remember that I was very young when I got involved. The first time I ran for politics I lost. I ran because I had a zeal to do something for the people of this country. I believe that my record stands.

There will be much talk about who did or did not do what. Not everything I did was perfect, but I believe that I did leave a good foundation. I know that a lot was not done after I left, but I am proud of the things I accom-

plished. I have no concern about the many young people seeking office. I don't think there is any reason to be worried that the system is falling to pieces and that is why we have so many people running. I don't think that is the reason. I do not believe that is the reason. I think it is a good thing when we have a system to see so many young people wanting to be involved.

Mr. Speaker, I support the motion. I know the Minister is out of the Chamber for the time being. I would hope that he would take notice and, as I said, I don't know how much can be implemented between now and when the House is prorogued in September, but I would hope that those things that are blatant and can help move the system along will be done. I trust that a new administration will move some of these fundamental questions and matters along quickly, God willing.

Thank you.

**The Speaker:** The floor is open to debate, does any other Member wish to speak?

The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I rise to offer my contribution on Private Member's Motion No. 14/2000 entitled Public Education System. I think personally that it is a very good motion. It is very timely and it could not be on a more important subject, that is, the subject of education.

Listening to the Minister of Education during his contribution I almost felt like Felix when Paul was invited to appear before him and state his case. When Paul was finished, Felix said, *'Paul almost thou persuadest me to be a Christian'*. Listening to the Minister of Education, if you did not know better, he would convince you that there is nothing wrong with the system.

What concerns me is that everybody including members of this House and the listening public knows that we have a problem in education. Now, I don't think there is any problem that we cannot fix, but the system needs . . . and I use the words of the Honourable Minister of Education "tweaking," it needs improving. There is always room for improvement.

Mr. Speaker, what I learned in my short lifetime is that until you can recognise that there is a problem you cannot come up with any possible solutions. The other thing I learned is that I don't know everything there is to know about any particular subject. If you keep your mouth shut and listen, it is amazing what you can learn from other people. I would have thought that would have been the approach of the Minister of Education.

It is not my intention to criticise for the sake of criticising because he has made his contribution in education. Those before him have made their contribution but there is room for improvement in our public education system.

Mr. Speaker, when you look at what we spend on public education, that is, recurrent and capital wise, we have every right as representatives to demand proper accountability in the system for what is spent. We also

have a right to demand results that we can all be proud of.

Mr. Speaker, I think, on average the recurrent expenditure on education, that is, only the Minister of Education, the Education Department, the schools, staff et cetera runs us about \$25 million a year. In addition to that, every year there are requests for capital projects in connection with education. That is, schools, playfields and other areas that are necessary for the educational programme to operate as a whole.

I recall probably five or six years ago (or even longer than that) we had the launching of the strategic plan for education. I was even invited to one of the receptions where we met with Dr. Cook and the other members of the team. He tried as best he could to explain to us what was involved in the plan for education. Mr. Speaker, I personally had a lot of enthusiasm that maybe we were taking a very revolutionary approach to education and that we would see some improvements that we would all welcome and be proud of.

I think there were some 353 persons from the community involved in coming up with those strategies and putting together a concerted effort to point education in the direction that we wanted it to go.

Mr. Speaker, it was not long after that, it seems, that the plan fizzled. The next emphasis was Vision 2008 and the Permanent Secretary and the Minister responsible for Education were all of a sudden in charge of Vision 2008. It appears that in the shuffle the strategic plan for education got kind of lost in the excitement because some five or six years later, the plans that were put together and proposed for an improvement in our public education system are still waiting to be implemented.

I would dare say that the implementation is probably two to three years behind schedule. I have come up with my own conclusions as to why we have experienced these delays. First of all, I believe once the policy document was put together and the ministry was aware of the direction we wanted to take with education in this country, sufficient expertise should have been employed to see to it that the plan was properly and promptly implemented. That was not the case, Mr. Speaker. I think we employed a few members of staff in that particular area and as I understand it teachers who are fulltime in the classroom were asked to donate some of their time in order to contribute to the process.

Now, it is very difficult for someone who is responsible for a classroom all day to all of sudden make himself or herself available for such a very specialist, very intensive task, maybe in the evenings or even on weekends. This is the reason why I believe that this plan is still not implemented. Like I said, it is probably running two years behind.

As I understand it, the other problem was certain members of staff were never exposed to the training that was necessary in order to equip them with the knowledge and expertise necessary to put in place what they were responsible for. I believe that a much more concerted approach should have been taken with regard to the implementation of the strategic plan for education. I



am very disappointed that four or five years later, we are still running maybe two to three years behind as far as the implementation is concerned.

Mr. Speaker, I am not a specialist in the area of education. But by listening and talking with people and just through my own exposure I have come up with a few conclusions of my own. I think personally that the strategic plan tried to encompass too many particular issues or subjects. Now, we did not have to reinvent the wheel in all these different areas. Maybe in the area of Social Studies there was a need for the curriculum to have some local influence so that our young people would be exposed to some of their experiences and culture that we have enjoyed as a country. But I believe that we might have taken on too much. We are a little too ambitious in regard to what was realistic with this plan.

The other problem we are experiencing is that the curriculum or syllabuses drafted . . . there is much excitement that only 20% of the students are able to pass it. Now, I believe that any system has to take into account a realistic objective and should be an objective that can be achieved by a majority rather than by a minority of the students. What about the other 80% that have a problem grasping the contents of the particular curriculum or syllabus?

The other problem that I was not aware existed to such a large extent until recently is that some 25% to 30% of our high school graduates are only coming out with a school leaving certificate. Mr. Speaker, I was a little amazed to learn what you had to do in order to receive your school leaving certificate. I was told that as long as you have attended school for at least 90% of the sessions, that was in your favour. You were not supposed to have suspensions, that is, days that you were not allowed to attend classes - more than fourteen days. If it is 15 days then you are put on a blacklist of some sort.

The other criterion was the effort level. Apparently that ran from one to three with one being the highest. Your effort must not drop below a 3.0 in order to graduate.

The system that was in place when I was a student in the public education system was . . . and I will give you a few examples of what I am talking about. A lot of these suspensions took place because a student was disrupting a class, or a student for one reason or the other got in a little fight and he or she was suspended from school. Mr. Speaker, I don't know who came up with the thinking that said a justifiable punishment for that type of behaviour is suspending a student from school. But I can tell you from experience that if I were involved in that kind of behaviour when I was in the public education system and you suspended me from school, I would say, '*Hooray, big deal!*'. I would call a couple of my cousins and for fourteen days we would go fishing—big deal! No, that was not the kind of system that existed when I was in school.

Mr. Speaker, I recall when we were at the old West Bay Town Hall as students, one day during lunchtime we decided that we were going to make a mess by picking

green guineps and pelt each other and other students in the school. When the principal returned that afternoon, she asked who was responsible for the mess that she saw. Automatically, the culprits were identified and she grabbed her strap and told all the boys, including me, '*you follow me to the backroom, I will deal with you!*'. Mr. Speaker, I am talking about boys who were probably six-feet. She got in that backroom and closed the door and she dealt with every one of us.

Now, you dared not lift your hand to slap her. You had to be crazy to think about something like that. Plus you had the parental support. If I went home that afternoon and told my Mom or Dad that Miss Range hit me because I messed up at school by pelting guineps, do you know what would happen? I would get another one at home. That is not the case today.

Are you going to tell me that it does not make more academic sense to have a corporal correction programme in our school that deals with a kid that has behavioural problems than suspending him from school and telling him when it is time for graduation that he cannot graduate because he had fourteen days suspension from school or he did not attend school 90% of the time? Mr. Speaker, it does not make any sense.

Mr. Speaker, a parent called me the other day, as she was concerned about a scholarship for her child who was going off for further education. She said, '*my son who is a student at George Hicks High School helps to tutor students in his class who are reading at the third grade level!*'. I heard the Minister, just the other day, boasting about a literacy percentage of 98% in the Cayman Islands. Mr. Speaker, it depends on how you determine literacy. If it means reading the little book that we use to read, "Jack jumped, and Mr. Willy . . . and Mr. Dan" and all those. Mr. Speaker, we have a serious problem with the public education system in this country producing students that are competent and well-educated.

I make it a point almost annually to attend the graduating class at the John Gray High School. I am probably talking about 300 students on average that go there. You know, the concern that I share when I sit there and watch those kids cross the platform to receive their little piece of paper is how well have we prepared that young person for the real world academically. Mr. Speaker, what is sad is that a large percentage of our graduates cannot even fill out a simple application for a job because of their lack of skill in reading, writing, and comprehension.

The question I ask every year is, Where do the majority of our graduates coming out of high school go because after that night you don't see many of them coming forward for government scholarships and you don't see many of them in the workforce. What has happened to them? I would dare say that we probably have about 10% to 12% of our graduates who express a desire to go on to higher education—300 students, therefore, 10% would be 30 students. Add another 2% on to that and you will probably get 35 students. So, 35 or 40 students out of 300 students decide that they want higher educa-

tion. Regardless of the system that you may have in place there are some students who do very well academically including students at the George Hicks High School and the John Gray High School.

As I said, 30% of our students are coming out with just a school leaving certificate so most of them are not allowed to take any external exams at all. Every year, there is this great boast about how well our students do on the CXC examinations. I want to encourage and congratulate those students who have done very well, but if you narrow down the number who take the exam then naturally your percentage of the class that passes improves because the pool is smaller. I believe that is one reason, percentage wise, the Cayman Islands have done very well with regard to the CXC exams.

The other area that I would like to move on to deals with the government scholarship programmes. I just mentioned that probably 10% - 12% of the graduates have the desire and ability to go to higher education. With today's cost of education . . . Mr. Speaker, I am quite sure you were in the same position. I remember when I was a student at Morgan State University in Baltimore it cost me about US\$1,000 a year—that [included] books, room and board, food and the works. I remember in those days they were predicting that the cost of education would rise to a certain figure. I would say on average it probably cost in the region of \$14,000 to \$16,000 a year today.

Most parents in this country do not have the financial means to send their child to university or college. When I talk about university and college, most people are thinking in terms of external universities. Most parents cannot afford to send their children to college but parents have a desire for their children to get a better education than they got in this country.

Over the first eight years of this government's administration (that is, the National Team Government) the one thing I was proud of was the fact that if you had the ability and the desire to get admission into a college or university, Government made money available to you by way of a scholarship regardless your surname, your family connections or your status in society. Mr. Speaker, that is the way it should be. I don't have the statistics, but I can daresay that over the last ten to eleven years, Government has invested millions of dollars in scholarships to educate our young people abroad.

Mr. Speaker, not too long ago that was not the position. I recall when I was a student thinking about going to university. I found every excuse in the book for not wanting to go. Do you know why? First of all, I did not have a particular surname. My father was not in a financial position to do so himself. Forget about a Government scholarship—they were reserved for the very few and privileged. You know, probably the best investment in that area in 1968 (just about the time I was coming out of high school) my mother took us on vacation to Baltimore, Maryland, to visit family and friends there. While I was there my granduncle's wife said to me, *'John, you are going to college, aren't you?'* I mean she planted a seed and all of sudden I really got excited. She said, *'You are*

*not only going to college but here is where I would recommend you go. I would suggest that while you are here visit Morgan State, pick up an application and take it from there'.*

She said to me, *'I work there, it is an outstanding school and it is not very expensive'.* Mr. Speaker, let me tell you, I had difficulty sleeping that evening. I was so excited about the possibility of going to college.

I remember writing to my Dad who was in Vancouver at the time on training, saying to him that I wanted to go to school and hoped that he could find the money in order to send me. Mr. Speaker, in order to make that happen, my father took an early withdrawal of his pension from the US Government that he had earned in Swan Island in order to send me to school. Mr. Speaker, that was the environment that existed when I was a student in this country. That is why I feel so passionate about this issue of higher education.

Mr. Speaker, the graduating class of 2000, many of those students have applied for Government scholarships in order to further their education overseas. I have attended a few of those graduations and I know some of those graduates. Many of them have excelled academically. They have done very well on their SAT exams to the point were many of them were given credit by the university or college that they applied for admission because of their academic accomplishments.

Mr. Speaker, just recently I got permission from you to read a statement in this House about government scholarships. The reason for that was because our young people have now been told that in order to qualify for a government scholarship they have to attend the first two years at the Community College of the Cayman Islands. Mr. Speaker, right now I fully support the Community College. I also fully support the government scholarships being made available for any student who wants to attend that institution in order to further their education. But under no circumstances am I prepared to say or agree as a condition of a government scholarship that our students have to first of all attend the Community College of the Cayman Islands.

There are some majors not offered at the Community College. The other thing it reflects is that whoever came up with the policy is not fully appraised of the US university or college system. By that I mean, there are some majors where the students start in the first semester not two to three years later.

Recently, a question was asked (I think, by the First Elected Member for George Town) on Government's policy with regard to government scholarships. The Minister for Education provided a very lengthy answer with regard to the policy on government policy. I want to just read with your permission, sir, what he said in his answer on the requirements for overseas scholarships. He said, **"Effective September 1990 only two-year scholarships will be offered for overseas study with the following exceptions.** I want you to listen to this, Mr. Speaker:

**"(1) Students with seven University of Cambridge, that is, GCSE or IGCSE passes are grade B or above;**

**2) Students with seven CXC passes, grade two and above at the General Technical level; 3) Students with a combined score of 1300 on the SAT exam.”**

This automatically excludes any graduate from the private schools unless they have 1300 on their SAT to qualify for an overseas scholarship.

Mr. Speaker, I have a 15-year old nephew who attends Wesleyan Christian Academy—he could have graduated this year if he wanted to. By the time he graduates next year, he would have done every subject and every course offered in the AC programme. He took the exam for the first time the other day and he got 1250, and I thought he did exceptional. With an SAT score of 1300 you could get into most Ivy League schools including Duke University in North Carolina.

These guidelines are very restrictive, very discriminatory. The only two students that I recently heard had an SAT score of that level were the daughter of the president of the Community College and I understand a 13 year old student that goes to school in Cayman Brac because apparently his mom works with students in the area of SAT exams. For me as a representative to sit here and accept this as being right and acceptable in this country, Mr. Speaker, I would not under any circumstances.

Do you know what I want the Minister to do, Mr. Speaker—

**The Speaker:** Could I interrupt you for one moment. Is it the wish of members that we waive the afternoon break and continue straight through?

**Mr. John D. Jefferson, Jr.:** Yes sir.

**The Speaker:** We will continue right through. Please continue.

**Mr. John D. Jefferson, Jr.:** It says, “**The Education Council adopted the following modification to the regulations for overseas scholarships.**”

So, the Minister is saying that the Education Council came up with this guideline for scholarships. Now, I want the Minister to do this House and I a big favour. I would like that Minister to table in this House the minutes of that meeting in September 1999 where the Education Council adopted these guidelines for overseas scholarships.

Mr. Speaker, I am not a very suspicious person but the conclusion I have come to is that these guidelines were drafted by the President of the Community College and until there is evidence to indicate otherwise, I am going to continue to believe that. It does not matter who is involved. If it is wrong it is wrong and I am not prepared for the President of the Community College or anybody else to come in this country and build any little empire unto himself at the expense of our young people. We should be bending over backwards to accommodate our young people who have the ability and the desire to further their education.

We have probably about 16,000 or 17,000 people here on work permits and we are always talking about not being able to find qualified Caymanians. Now, for the Minister of Education to come to this House and talk this kind of nonsense with regard to Government scholarships is wrong. And I expected better from the Minister of Education. He knows better. He is there to take care of the majority of our students not a favoured few.

I made a statement in the House entitled “Government Scholarships Grants.” I gave the Minister notice that I was doing a statement and I even gave him a copy. I read it the next day, which gave him a whole day to put together some reply. But in his reply, he said, “**A meeting has been set for next Tuesday, June 20<sup>th</sup> in the afternoon to have a look at these areas where there has been dissatisfaction with the local scholarships. I think in the light of the concerns that has been raised what I will do, as requested by the Honourable Member, I will take this back to the Education Council who has the power to grant scholarships by law and ask them to review this policy and hopefully there can be a common meeting of the different views on this to find a solution.**” Mr. Speaker, that is exactly what I expected the Minister to do.

Now, you recall when that question came before the House on government scholarships, I asked the Minister to give us the names of the members of the Education Council. I was told: Mrs. Margie Ebanks, Mrs. Reina Jefferson, Mrs. Joy Basdeo, Mr. Sam Basdeo, the Second Elected Member for Cayman Brac and Little Cayman, Dr. Cummings and a number of other names were mentioned that made up the Council. Mr. Speaker, I understand that they met on Tuesday and I thought the reason for it was that they would have—

**The Speaker:** I would like to caution the Member that the Honourable Minister said that he would report back on that meeting, and that report has not been made.

**Mr. John D. Jefferson, Jr.:** I am aware of that, Mr. Speaker, and I am not even going into that direction but I have a few comments.

Do you know what I resent? The morning that question was raised on government scholarships, I raised a question on whether or not the Minister had a problem with a potential conflict of interest seeing that the Permanent Secretary for Education and her husband were both members of the Council. He gave an answer. Mr. Speaker, like I mentioned, my wife is one of those members of the Education Council. Now, I don't even like to talk about anything related to myself but when it comes to my wife, she is a very professional woman. She has served in the capacity as Chairman of the Red Cross for many years and for the last two years is the Branch Director of the Red Cross, which is an institution that is very neutral politically and otherwise. She has always had a concern with regard to the welfare of our students as far as education is concerned.

But when she came home Tuesday night, she said, “John, I was asked by the members of the Education

Council to leave that meeting because they were discussing the new guidelines asked for in your statement in the Legislative Assembly.” Like I said, she is a member of that Council—and the Council is going to exclude her but the two members that I pointed out that there might be a conflict of interest are allowed to stay in the meeting and make their contribution. Mr. Speaker, let me tell you, that does not sit too well with me. It has nothing to do with my wife. Okay? If they had excluded you, I would have felt the same way. You have the vested responsibility as a member of that Council to be in a position where you can make your contribution and you have made yours, and other members have made theirs. But for them at that stage to exclude her . . .

If the Minister of Education comes back here with any nonsense with regard to government scholarships, I hope that every parent who applied for a scholarship this year would turn out in the front of the Legislative Assembly and march against such a policy. If they do, I will be right up front leading the cause. That is how passionate I feel about this issue.

If the Education Council fails to do what is right, the first opportunity that I have in Finance Committee, I am going to move a motion that we set the conditions for government scholarships in this country. I am not prepared under any circumstance to allow anyone to come in here—be it a Caymanian or a non-Caymanian, it does not matter to me—and build an empire unto himself or herself at the expense of our young people.

If someone brings something to my attention I have the guts to address the issue regardless of how unpopular it might be. I had parents calling me and saying, *“John, my daughter applied for government scholarship and to be advised so late with regard to the decision that my child has to go to the Community College for the next two years as a condition is unfair.”* First of all, it is late and they have already made arrangements with regard to attending a university overseas. Mr. Speaker, the unfortunate position that some of those parents find themselves in is that they cannot afford to go out and borrow money to send that child overseas to university or college. That is sad in this country.

I think last year’s budget was over \$275 million. And on an annual basis I think we set aside about \$1 million for scholarships. We are talking nonsense about saving money by sending our students to the Community College and then turn around and sign an agreement with the University of Miami which is one of the most expensive universities in the United States to provide teacher training—it does not make sense. We won’t save money for Government. Let’s look at those areas that are so politically motivated. We could cut \$2 million to \$4 million off the capital budget and not miss it, Mr. Speaker—put it towards education. If that is the concern of the Minister, let him come back to this House and say, *‘We are concerned with regard to the rising cost of education overseas. I am going to need to request an additional \$1 million to \$2 million in order to ensure that my programme continues’*. There is not one Member in this House that would not have supported that kind of request from the

Minister. I am going to wait and see what the Minister comes back here with.

Another area that a parent brought to my attention that we should be looking at with regard to government scholarships is that of security bonds. Mr. Speaker, when you and I go to Barclays Bank or Bank of Nova Scotia or wherever else we bank to borrow money, the bank is going to hold whatever you have has an asset, which is normally jointly owned. I think personally it puts our students at a disadvantage to require that only one parent can sign as a surety. That is what I am told, Mr. Speaker, and then you have to go out and find another one. Today, people are very careful with regard to their financial commitments or obligations.

The other thing that was mooted for a long time even by the Minister is that the scholarship application should be revised.

**The Speaker:** It has been done.

**Mr. John D. Jefferson, Jr.:** I helped a student recently and it still consists of about 12 to 15 pages with a lot of irrelevant information that has to be provided. I think it is time for us to revise that document to make it practical and something useful for the purpose that it is intended. In other words, we must make it as easy as possible for our young people to get a further education in this country.

Questions have been asked in this House on an alternative education programme. That is a fancy word for a holding facility for kids with disciplinary problems. I know firsthand because I had a foster child who attended the Alternative Education Programme Facility behind the library. He said, *‘Uncle John, I go in there and I might do a little Math and English and then we play games, be it pool or whatever else for the rest of the day’*. As I said before, if we had a proper corporal discipline programme in our schools we would not have any problem with alternative education. You would not! I am hoping the next Minister of Education has the guts to call for a public education programme—yes—but there are conditions. The conditions are if you want your child to attend West Bay Primary, or George Town Primary, or the High School or wherever else, you must sign a statement agreeing that if your child needs corporal correction the school has the authority to do so.

Mr. Speaker, we have become so modern in this country and that is one of the problems we have. We are so modern that that is old fashion. A young Caymanian mother said to me the other day, *‘You know, Mr. Jefferson, my child attends school and was recently suspended’*. I asked why he was suspended. She said, *‘He was suspended for throwing a rock at another child’*. She said this was the second or third time that he had a little incident of that nature. Her attitude was if her child had a problem in school that school should not have the authority to deal with that child, if they have a problem they should call her. Now, with schools that have 500 - 600 students can you imagine the mess the principal would be in when every time there is an incident they have to

call a parent? Mr. Speaker, my policy would be that you sign it as a condition of your child attending the school. If you don't want to do that then you make alternative arrangements. That is one of the biggest problems we have in our public education system, the lack of discipline, the lack of corporal correction. That is one of the main problems that we have.

Mr. Speaker, when I rode from West Bay to George Town on Mr. Garrison's bus, I did not have any warden on that bus. Today, every one of those buses has one warden to keep order.

If we can have an alternative educational programme it must work. It must be something that is geared to ensuring that even those students that have a behavioural problem or whatever have an opportunity to get a good education in a little different setting.

Mr. Speaker, today we have problems in this country. Just the other day, the Commissioner of Police sat here answering questions on gang activity in this country. We have a problem with regard to juvenile crime in this country. We have a problem in this country with single parents, poverty, resentment, unemployment, all as a result of failures of our public education system to adequately prepare these young people for a responsible place in society.

Now, the system that we have in public education is that as long as you attend school and keep your nose clean with little effort you can slide. The Minister of Education cannot come here and say, *'well, the reason why we don't have those programmes in place is because we don't have the money voted by the Legislative Assembly or Finance Committee'*. Every school starting with the primary level should have a programme in place that ensures our children can learn to read properly. I know, for example, at Wesleyan Christian Academy they have a reading centre. Once the child comes out of Kindergarten he goes into the reading centre and he spends a semester or two there and they work on a machine. It is amazing. You find very few students, if any, because the system that they have there if you cannot read you cannot master the system and if you cannot master the system then you cannot graduate. It is amazing how little things like that improve the results that you get.

A student could be 10 years old but I think it is important for that child to operate at the level that he is capable of operating at and gradually move through the system. Even if it takes that child until he is nineteen before he graduates, he masters the programme. Prior to the 1988 legislature, our students were coming out at 15 to 16 years old. I think the Third Elected Member for Bodden Town brought a motion asking for Government to add a year in order to allow the students to be in school a little longer, hopefully giving them a little more time to mature and move on.

Mr. Speaker, these are the kinds of things that we are saying are wrong with the system. That does not mean that you are going to point any figures at anybody. I would have thought that the right approach would be to acknowledge that we do have problems and hopefully we can come up with solutions to those problems.

Today, we have security guards (that did not happen when I was there) at the schools. I have a little nephew that works at the George Hicks High School and in the morning when I go by to drop him off, there is a security guard at the gate. Unless he lets you in, you cannot get into the school. I am not saying there is anything wrong with that but we must demand more from our public education system. In the schools we are told that there are gangs. We have heard of injuries to students. I think just this week I heard where one of my little cousins was hit in the eye with a rock at one of the schools. The chances are that student might be permanently injured by that incident.

I have had other parents say, *'Mr. Jefferson, my son was on his way to or from school when three or four boys ganged him and beat him'*. We must demand more from our education system.

Sometime ago, I brought a motion calling for the Minister of Education to consider appointing chaplains in the schools. When I was a student at John Gray High School (back in those days it was known as Cayman Islands High School) every morning we had devotions and it was normally the principal who conducted devotions, Rev. John Gray. That is not the situation today, Mr. Speaker, because I come in contact with a lot of students from the middle school and the high school and I ask them, "Do you have devotions? How often do you have them? Who conducts them?" I am told it is normally the head of the house, whoever is in charge of that particular area would call the students together and they would discuss what is coming up by way of activities in the school for the week or the day and they may take time out to say the Lord's prayer. Mr. Speaker, that is not good enough.

A lot of our students today are not exposed to that type of religious educational training from their home. A lot of parents do not encourage them or force them to go to church. And, if they are not exposed to it in the schools, pretty soon you are going to have a society that has grown up without experiencing the things that you and I [experienced] when we were students, that is, a fear and a respect for God.

I see no reason why this is such a difficult request and I believe that it would still be a good idea to have this particular thing done whereby a chaplain is appointed for the George Hicks High School and the John Gray High School.

Mr. Speaker, I am getting ready to go on to another area, if you want to adjourn at this stage.

## ADJOURNMENT

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** It is my pleasure to move the adjournment of this Honourable House until 10.00 tomorrow morning.

**The Speaker:** I shall put the question that this Honourable House do now adjourn until 10.00 tomorrow morning. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.24 PM THE HOUSE STOOD ADJOURNED UNTIL  
10.00 AM FRIDAY, 23 JUNE 2000.**

**EDITED  
FRIDAY  
23 JUNE 2000  
10.41 AM**

*[Prayers read by the Honourable First Official Member responsible for Internal and External Affairs]*

**The Speaker:** Please be seated. The Legislative Assembly is in session. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have apologies for late attendance from the Honourable Second and Third Official Members who will be arriving later this morning, and I have received apologies for absence from the First Elected Member for West Bay, who is off the island.

Item 3, Questions to Honourable Members/Ministers. Question No. 26 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 26**

**No. 26: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for the Ministry of Tourism, Commerce, Transport and Works to state: (a) the projected revenue and operational cost of the Pedro St James project for the year 2000; and (b) the figures for 1999.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The projected revenue and operational cost for the Pedro St James project for the year 2000 and the comparative revenue and operational costs for 1999 are as follows:

|                                                  | <b>Projected<br/>Statement<br/>2000</b> | <b>Unaudited<br/>Statement<br/>1999</b> |
|--------------------------------------------------|-----------------------------------------|-----------------------------------------|
| Revenue                                          | \$ 366,379                              | \$ 290,104                              |
| Cost of goods sold                               | <u>80,399</u>                           | <u>100,262</u>                          |
| Total:                                           | \$ 285,980                              | \$ 189,842                              |
| Cost, expenses and other                         | \$ 775,429                              | \$ 792,884                              |
| Net loss before Interest and Government subsidy  | (489,449)                               | (603,042)                               |
| Government subsidy                               | 618,496                                 | 619,778                                 |
| Net Income for the year after Government subsidy | \$ 129,047                              | \$ 16,736                               |

**SUPPLEMENTARIES**

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the honourable minister say why the unaudited account for 1999 there is \$792,884, and for the projected (which is the cost expenses and others) there is \$775,429 for the year 2000? Why is it more for 1999 than for 2000?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** When we compare the two amounts, the projected for 2000 (\$775,429), and the unaudited comparative for 1999 (\$792,884), the main difference is the amount on salaries and wages. In 1999, the salaries and wages amounted to \$629,249; the projected in the year 2000 is \$561,318.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** If all that is included in this are projected salaries in terms of the majority, what percentage is for maintenance and upkeep?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** My previous answer was focusing on what the difference was between the \$775,429 and the \$792,884. What I pointed out was that one element of that cost, the salaries and wages, was projected to be less than it was in 1999. But there are a number of additional expenses. For example, in 1999, the \$629,249 for salaries and wages, there is also items for security. I will round it off in thousands. Security, \$29,000; payments for utilities \$33,000; telephone and fax \$9,700; administration \$32,000; maintenance of the grounds \$4,200; and expenditures relating to the great house, \$600; professional fees, \$1100; general supplies \$5300; motor expense and travel allowance \$3100; vehicle insurance \$1100; building expenditure \$6800; expenditure on the theatre \$3500; bank charges \$475; and I think that basically covers all the items that make up the \$792,000 (rounded off), which is the 1999 unaudited figures.

Looking at 2000, just to ensure I give the full details, the projected figures are for salaries and wages \$561,318; expenses in relation to training and education \$1600; expenditure for building equipment and maintenance \$61,700; expenses on the grounds \$13,300; utilities

\$36,300; marketing \$31,000; administration expenses \$25,000; telephone and fax \$8500; general supplies \$1700; professional fees \$2900; vehicle repair and mileage \$3300; insurance \$11,100; signage \$1800; depreciation \$3500; and another category called "other" \$2400 (a number of small items that would normally be categorised as miscellaneous). All figures are rounded to nearest hundred dollars.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Can the honourable minister provide details on the marketing programme for the operation?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Marketing functions are carried out in a variety of ways. First, if we visit the Cayman Islands Tourism Website, [www.caymanislands.ky](http://www.caymanislands.ky), we would find pictures of Pedro St. James and Botanic Park. You would find the write up on it. So, it's marketed through the website. It's marketed through a variety of magazines in the Cayman Islands, such as *Horizon*, *What's Hot?*, among others. It's also marketed in the hotels and condos, on the cruise ships, called Land and Sea marketing. We are also tied in with a variety of cruise ships where land tour operators, and I think Atlantis also takes tours to Pedro St. James, we have passengers from *Princess Line*, *Royal Caribbean*, *Celebrity*, *Carnival*. In addition to that, the brochures for Pedro and Botanic Park are at various promotions being done by our staff in the United States and other countries. So the marketing is done globally as we promote the Cayman Islands in general.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** The minister understands as well as I do that the most effective and immediate market for visitors to Pedro St. James is the cruise ships. In order to capture that business you need to make personal contact with the tour directors. I wonder if the minister can say who has been responsible for the cruise ship contacts, and if he has information available, how many cruise ship passengers have we seen at Pedro St. James this year?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The information we have, the statistics on visitors to Pedro St. James . . . we have seen a rather successful improvement in the number of passengers coming. In January we received roughly 2200 passengers. This is primarily cruise ship passengers. We don't have the breakdown, but we know it's primarily cruise ship passengers visiting Pedro St. James for these four months.

In January there were almost 2700 visitors, March, almost 3000, and in April 2300. But when we compare this to 1999, for the four months we are up 21%. I think we are

well on our way. The numbers are not tremendous, but they are increasing. We know that April was not a good month for visitors to the Cayman Islands either to stay in hotels or on cruise ships. It has a lot to do when Easter falls. Shortly after Easter Monday, the summer rates kick in. So, sometimes when Easter falls in the third week people are holding off to travel in the following month. We found that evidence in the May figures.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** There were very optimistic projections with respect to Pedro St. James in regard to its profitability. Can the honourable minister say at the pace that he sees business increasing how long is he thinking it will take for Pedro St. James to be financially self-sufficient?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works. I think he's asking for an opinion. If you wish to give it, you may.

**Hon. Thomas C. Jefferson:** I would not venture an opinion at this particular time. I will say that the ministry and the staff of Pedro St. James are making various contacts talking to vice presidents of the cruise lines, talking to directors of shore excursions for these cruise lines in order to ensure the growth that we have seen in the numbers, though small, continue. It is our objective to ensure that Pedro St. James breaks even as quickly as it is possible to achieve.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Looking at the statement as an accountant, I can see that there is a tremendous improvement reflected in the projected statement for 2000, as compared with the unaudited 1999 statement. For instance, on cost of goods sold, I notice that the cost for 1999 was approximately 34% of total revenue. And for the year 2000 it drops to 22%. I wonder if the minister can give an indication of the improvement of this 12%? Can he give a breakdown of that figure?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I think the Third Elected Member for George Town put his finger on some of the work being done by the Tourism Attraction Board and the management of that organisation in particular to Pedro St. James. There's more focus on events, which has a lower cost. That's why we see some difference in this figure. And there is better control over the expenditure making sure that we don't get into things that are not profitable. I hope I am answering the member to his satisfaction, but it's more in relation to control and taking decisions that have been properly analysed.



**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable minister state exactly what the reasoning is behind the subsidy for the year 2000 being what it is based on the projections which leaves a surplus? I don't agree with the way the statement is made (but I am not an accountant) where it says "net income." I don't consider gifts to be income. Can the honourable minister state exactly how those figures were arrived at? Was it just to leave a bit of padding for ongoing operations?

**The Speaker:** Before I ask the honourable minister to respond, I would appreciate a motion for the suspension of Standing Order 23(7) & (8).

#### **SUSPENSION OF STANDING ORDER 23 (7) AND (8)**

**Hon. Thomas C. Jefferson:** I am pleased to move the suspension of Standing Order 23(7) & (8) to allow Question Time to continue.

**The Speaker:** The motion has been made and seconded that we suspend Standing Order 23(7) & (8) to allow Question Time to continue beyond the hour of 11 o'clock. Those in favour please say Aye, those against No.

**AYES.**

**The Speaker:** The Ayes have it. Question Time will continue.

#### **AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11 AM.**

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** In the budgeting for the year 2000, the actual five month figure came out better than what was budgeted (in other words, it was higher than the budgeted amount for this five month period), as well as the control over expenditure was much less than the budgeted figures. The control over expenditure, causing expenditure to be less than budgeted is the reason why we have a projection of 129. There was no padding in the budgeting. It's just turned out a lot better than we forecasted, and we are very grateful for that.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can there be a direct relationship with management that this is the result?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** It is always good to agree with a statement like that, but I believe that in addition to management it's an increase in the marketing functions. So, it's marketing and management together being the reason for this, and the blessing of Almighty God has helped us as well.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Where it says net loss before interest and government subsidy . . . and then the next line has government subsidy . . . and the very next line has the net income, is it that interest is not taken into account before arriving at the final figures, or what happens? It doesn't follow sequence to me.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** At this time we are trying to be as transparent as we possibly can. The interest is noted here because we really haven't taken a decision about the interest portion. It may come to government, or to the Tourism Attraction Board. That decision has not been taken yet.

**The Speaker:** The Third Elected Member for West Bay. I will allow two additional supplementaries after this one.

**Mr. John D. Jefferson, Jr.:** The figures provided by the honourable minister do not take into consideration the servicing of the loan from Caribbean Development Bank. Can the honourable minister say what impact that will have on the financial position as projected if the interest portion of that loan was included in this financial statement?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Obviously the member asking the question has an answer, but he's asking me to answer it. If you have projected income (call it whatever you wish, it's excess money at the end of the day) of \$129,000 and you take interest out of it, obviously that projection would have to be less. It may be \$115,000, something in that range.

The Executive Council of this country has not taken a decision as to where that will rest.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable minister state if . . . and I am assuming all drawdowns have taken place with the loan. I heard what he just said, but can he state if the loan for this project is being paid back? Have payments started yet? If so, what is the monthly payment? Or how is it paid? Are these payments made from general revenue until such time as the operational profit of the castle will be able to assume those payment?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Repayments on the loan itself do not begin until 2002. I believe I referred to the interest in an earlier statement. But at the moment, Executive Council has not taken a decision on the loan. So I am unable to answer any further questions. Until the decision is taken it is my assumption is that the government will pay it, if it comes due before the decision is taken. Government has assisted with many if not all of the statutory authorities (Port Authority, Civil Aviation, Water Authority), where government pays and then reclaims that payment. That's the process presently in place.

**The Speaker:** The First Elected Member for George Town. This is the last supplementary.

**Mr. D. Kurt Tibbetts:** But I need to explain something. I respect what you said earlier on, but what I have to ask now is because the answer was not complete. So I would like you not to treat this as that last one. I will prove it to you sir.

**The Speaker:** I shall listen.

**Mr. D. Kurt Tibbetts:** The word "interest" came up. It is not clear, with all of the answers that have been given, whether interest is being paid now. When the minister said that the payments on the loan don't begin until 2002, I am trying to find out if the accumulating interest is being paid now, or accumulating onto the original amount for payment in 2002. That's part of what I was trying to determine. And if so, who's paying it?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** As I understand it, the interest that has come due has been charged to the loan itself because the loan had some period of vacancy between what was drawn down and what was approved for the full loan. So, the remaining amounts, when they come due, will have to be paid by government I think. And if a decision is taken, reclaimed in the normal way from the Tourism Attraction Board.

**The Speaker:** The First Elected Member for George Town this is your final.

**Mr. D. Kurt Tibbetts:** Yes sir.

The minister stated that like other statutory authorities government pays and then reclaims back from the authorities. I am certain he was making reference to the Tourism Attraction Board, which is in charge of the project. Of course, the difference in what the minister was saying there with the other projects and this one is that the government will not be in any position to reclaim payments back from this project for several years to come. It's not

like they have an income to be tapped into. Presumably the right answer is that government will simply pay the tab until such time . . . whenever such time is.

Can the honourable minister say if with the commitment of the project, although we have received projections in the past regarding the project and its projected income, was any thought given and deliberations made on what actual commitment beyond the cost of the project to get it completed and started government was prepared to make? And for what length of time? Or was it considered that even if the project did not become financially viable it was still worth doing even if it had to be subsidised by government indefinitely?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Perhaps it is better to use another comparison. In my short term in government I have seen the establishment of the Port Authority, the Civil Aviation Authority, the Water Authority and others. Normally government takes the decision to establish these statutory authorities because it is in the best interest of the public and these islands in the long term. So, whatever the parent needs to do to assist the process of development moving these statutory authorities on to a commercial basis to allow them to be profitable as early as possible, the government has done in the past. I don't believe the government is going to treat the Tourism Attraction Board any different.

They will nudge, push, and they will get reaction from the Tourism Attraction Board and the ministry responsible to ensure we are moving along as quickly as possible, marketing it properly, and also managing the operational costs as best we can with a view that in the not too distant future we should break even.

What normally happens with these statutory authorities, and I am not going to throw arrows at anybody, first, government allows the authority to earn sufficient revenue to pay its operational costs. Second, government then looks to the statutory authority to eventually take over the full payment of the loan. Third, having accomplished those two government then says to the statutory authority, '*Remember, I am your parent. I need some dividend for all these investments.*'

So the Tourism Attraction Board is abiding by those historical three objectives and moving along as quickly as we can.

**The Speaker:** Moving on to question 27

#### QUESTION 27

**No. 27: Mr. D. Kurt Tibbetts** asked the Honourable First Official Member responsible for the Portfolio of Internal and External Affairs if the "anomalies committee" to deal with those civil servants' posts which remain "red circled" has been appointed.

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** An anomalies committee to deal with anomalies including red circled posts was appointed by His Excellency the Governor on 20 January 2000. To date the Committee has held 12 meetings and an interim report has been submitted. The committee is currently working on the financial implications of the recommendations made in the report.

### SUPPLEMENTARIES

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Can the honourable minister tell the House what are some of the other "anomalies" other than the red circled posts within the civil service?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** After a salary re-grading there will inevitably be some anomalies. It's a fact of life that has happened over the years despite very careful efforts. In a service the size of ours with so many differentials there will always be the occasional anomaly.

Some of the anomalies will relate to the salary scale. It can actually happen to the actual grade within the scale. Matters of conversion points, in other words, converting from an old scale to a new scale or grade; anomalies can occur in incremental awards and the particular area that the question asked about, red circled posts. So, there can be any number of anomalies, but the committee is looking at all anomalies and will be making recommendations.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** I thank the member for his reply, but I am no further ahead than before. So, I will ask a direct question: Is one of the functions of the anomalies committee to deal with the contracted officer's supplement which caused the hee-haw in the civil service some months ago?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** The answer is no.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable First Official Member state whether the financial implications referred to in the answer are limited to the red circled posts? Or are they based on all of the anomalies determined thus far.

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** The financial implications will relate to all anomalies that I identified if they are indeed anoma-

lies. And anomalies have been found in most of those items I mentioned earlier.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable First Official Member state if the recommendations call for any retroactive remuneration? And if so, to what period of time.

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** I believe the member will appreciate the fact that because the committee has to make recommendations and the recommendations have to be accepted, it's not possible for me to publicly give that information. I trust he will appreciate that I am not trying to avoid the answer, but as quickly as the committee completes the recommendations, I am sure the matter will become public.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I appreciate what the honourable First Official Member is saying. Can he say if the terms of reference of this committee included any specified timeline for completion of its task?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** There was a timeline of an interim report within six weeks of the first meeting. The anomalies committee was pretty well on target with that. Sadly, one member of our committee has passed on, the director of Internal Audit, and I pay tribute to his work. He was a very valued member. This has slowed things a little bit, but work is moving ahead and I am most anxious to get the financial implications completed and submitted that will tied in with that report.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Can the member say whether or not the anomalies included those persons who are presently in the civil service who are not Caymanian, not entitled to pension, but on local contracts which at the present time are not entitled to anything? I know that's an area that has been raised before. I wonder if this anomalies committee is also looking at this specific problem.

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** That particular aspect just raised by the member was not part of the terms of reference for that anomalies committee because that committee is looking at anomalies that came out of the actual salary re-

grading. I know that the matter he has raised is being looked at in another forum.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I truly do appreciate the member's position in not being able to divulge because of due process. But I am wondering if he can give us some idea as to the objective within this exercise. Is it anticipated that the exercise will be completed prior to the next financial year, or might it extend itself that long?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** I believe I can assure the member that the work of the anomalies committee will be completed well before that. As a matter of fact, I have a second meeting for this week scheduled for 1.00 this afternoon. We are working to a very tight schedule, the summer months being a difficult time to get everyone together. We are nearing the completion of the financial implications. So, it is my hope that the financial implications that will go along with the interim report will be completed very soon.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the member then give us an overview, a simple explanation, as to the process that will take place to complete the entire exercise?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** Normally an anomalies committee is appointed by the Governor and the report of the committee will go to the Governor. Generally an anomalies committee, from the experience I have had in the past, will offer a number of recommendations and then options. Those options would then be considered by the Governor. He would naturally consult with whomever he chooses to consult with. But then the financial implications of those recommendations, once a decision is taken, would come to Finance Committee via Executive Council.

**The Speaker:** The First Elected Member for George Town, two supplementaries.

**Mr. D. Kurt Tibbetts:** I thank the honourable member and I do understand what he is saying. That was what I was seeking.

When the committee completes its work, the Governor after consultation decides on what is the best course of action out of whatever options are available, given the climate and whatever else. Perhaps then there is really no sure way of knowing how long before that would get to Finance Committee via Executive Council. Is that the case?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** I do not think that matters are unduly delayed in going to Executive Council, nor are they unduly delayed after getting to Executive Council before they arrive at Finance Committee unless there is no meeting of Finance Committee scheduled shortly after Executive Council makes the decision.

I do not expect that it will be very long after a decision is made on the way forward with it before honourable members of this House will have it in Finance Committee.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I understand what the member said. Can he just confirm that whatever those financial implications are at the end of the day that when it comes to Finance Committee none of those amounts will have been budgeted for, and whatever those amounts are will totally be requests for supplementary expenditure under the statutory expenses for the country?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** In the general case, I think the member is right. But in truth and in fact, in looking at some of the anomalies, for the sake of argument, there would be the issue of increments. Departments have budgeted for a certain amount for increments so, it may or may not be the case that a small amount of the funds might already be in the various departmental budgets.

**The Speaker:** That concludes Question Time for this morning. Is it the wish of members to take a break, or to continue? We shall suspend for 15 minutes, and I ask members to please return after 15 minutes.

#### PROCEEDINGS SUSPENDED AT 11.40 AM

#### PROCEEDINGS RESUMED AT 12.10 PM

**The Speaker:** Please be seated. Item 4 on today's Order Paper, Other Business, Private Members' Motions. Continuation of debate on Private Member's Motion No. 14/2000, Public Education System. The Third Elected Member for West Bay, continuing.

### OTHER BUSINESS

#### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 14/00

#### PUBLIC EDUCATION SYSTEM

*(Continuation of debate thereon)*

**Mr. John D. Jefferson, Jr.:** I requested some information on expenditure in regard to education. I was not able to get that information yesterday. With your permission, let me go back and be specific in regard to expenditure on education over the past five years. I believe this does not include expenditure for the Ministry of Education, I think this is the Education Department and its associated expenses.

| Year | Recurrent Expenditure (Dept. of Education) (\$ million) | Capital Expenditure (\$ million) | Total Expenditure (\$ million) |
|------|---------------------------------------------------------|----------------------------------|--------------------------------|
| 1995 | 17.78                                                   | 2.98                             | 20.76                          |
| 1996 | 19.86                                                   | 3.4                              | 23.26                          |
| 1997 | 21.12                                                   | 3.06                             | 24.18                          |
| 1998 | 22.82                                                   | 1.88                             | 24.7                           |
| 1999 | 23.28                                                   | 5.22                             | 28.5                           |

When you add all of that expenditure over the last five years (not including the year 2000), we spent \$121.4 million on education. We see that the expenditure on education is quite significant, and it should be because we are talking about the future of this country—our young people.

To summarise what I have said so far, I have basically dealt with the cost of education, the strategic plan for education; I have dealt with the issue of graduates, government scholarship programme; I commented on the alternative education programme, the results of the failure of our education programme which has resulted in gangs, juvenile crime, and increase in single parents, poverty, resentment and unemployment.

I also dealt with the lack of discipline in the schools. Times have changed, Mr. Speaker. I believe it is important for us to change with the times. The next area I wish to look at is the area of the need to attract more Caymanians into the teaching profession. I am aware that under the government scholarship programme. . . at least the way it used to be. So much nonsense has gone on recently I am not sure what the position is at the present time. But it was the policy that full funding would be made available to any of our young people interested in pursuing a career in the area of education. I must commend the ministry for adopting that particular policy, and the education council for supporting that position. I trust that they will continue to regard teaching as a priority for government scholarships and also as a policy that full funding would be made available for our young people who choose education as a career.

There was an exercise carried on a year ago regarding the re-grading of salaries. The objective was to provide as much equity as possible in regard to entry points for young persons graduating from university or college with degrees. Prior to that, if a graduate with a degree in teaching joined the civil service he was not treated equally with graduates joining the civil service in, say, finance. Many of those young people requested transfers or have left government altogether.

I recall when I was in the banking industry a young Caymanian who had just recently graduated from university as a teacher came to me. At the time she was em-

ployed at the Savannah Primary School. What discouraged her from staying in the profession was that she worked alongside expatriate teachers and they received benefits such as mileage allowance. She was from West Bay and had to drive to Savannah each morning. But she was not considered for that benefit. She chose to go elsewhere to make a living.

I would daresay that if we roundup all qualified Caymanian teachers that are in these islands involved in other professions it would amaze us how many we have. I have said more than once that I believe education is so important, and it is so important for us to have our own qualified Caymanian teachers. I believe that what needs to be done to make the teaching profession more attractive to our young Caymanians is that the salaries have to be much more attractive than they are now, and the benefits.

A lot of times people are not just looking for money. There should be a welcoming party, an orientation for these young Caymanian returning students meet the Chief Education Officer and the officers in the Education Department they will be working along with. They should have an opportunity to meet the Minister of Education—whoever that might be at the time—and maybe the staff of the ministry.

I have a young man who is the manager of my Wendy's store, Mr. Richard Parchment. He is a qualified special education teacher. I think he was in the profession some three or four years. Because we were in a position to make him a better offer than he had at the school, he came to work with us. When he resigned and was about to leave the service, the Minister of Education was not even aware that the young man was in the system. It's the little things not always the salary that attracts and retains employees.

Teachers, like everybody else, appreciate recognition from the standpoint of their contributions. I see nothing wrong . . . and I have never seen any article in the paper about a programme that could easily be implemented in the schools where a teacher of the month is recognised. That person could be given a little recognition by way of some publicity in the media, maybe some special benefit. That's not very difficult to do. Maybe entitle him to a weekend at the Retreat in North Side, or Morrill's in East End.

Last year or the year before I was selected as a member of the panel dealing with the John Owen Awards. That objective was recognising departments within government that were doing very well, rewarding them for the excellent service they were providing. I was amazed at what is really going on in the civil service—at least in some departments. We had representatives from the different departments—Immigration, Health Services, representatives from the school in Cayman Brac. We have a very good response. They were all very enthusiastic about presenting whatever they were doing that was special to the panel. At the end of their presentations we were then responsible for grading that particular service or performance.

I think the Health Services actually won the award. They were all excited because all of a sudden someone had taken the time out to recognise what they were doing.

They got the impression that what they were doing was very, very important.

I trust that exercise will continue in the civil service because with a service that has grown quite a bit (I am not sure how big it is now), it is easy to get lost in the numbers. I believe that the Minister of Education, his administrative staff, and the staff of the Education Department, all the way down has to come up with creative ways of making a profession in education much more attractive.

I think it's important for us to have available direct lines of communication, an open-door policy. I believe that if the Minister of Education was to establish a direct line of communication between himself, the teachers, principals and staff of the schools, he would be amazed at how much input and response he would get. At present, the members of staff are scared to pass on comments, criticism, or even suggestions because of the fear it won't be recognised, or if it doesn't fit in with the thought of the day they are concerned about their continued employment.

I believe it's important for this line of communication to be established. I have had teachers come to me with suggestions. I ask why they don't call the education department or the ministry. They tell me they cannot do that. They would first of all have to go through their Head of Department, and then through the respective officer responsible for that area of education. Then they probably have to pass it through the Chief Education Officer, and on to the Permanent Secretary of Education before the Minister has access to that information.

I believe it's extremely important for our country to give education the type of emphasis it deserves, emphasising to our young people their value in regard to choosing a career in education. I believe one of the problems we have in our schools is that we have if we have any Caymanian teachers they are located at the primary level. Throughout the system we don't have enough Caymanian educators in place who will be able to set the type of positive role model our students need.

When I was in the public education system we had foreign members of staff, some very good ones I may add. But the majority of my teachers going through the system were either Caymanian or West Indian nationals. We have similar background and culture in the areas around us that we recruit teachers from.

I believe that we will also see a tremendous improvement in the discipline in our classrooms. At present the foreign teachers are scared to take the necessary action they need to in dealing with some of our students that may have behavioural problems or otherwise. They fear they will be attacked by the parents. We really can't blame them for taking that attitude. But I really believe that we need to add additional emphasis in the area of attracting our young people into the teaching profession.

I was in West Shore the other evening, and I ran into one of my old schoolmates. A Caymanian about my age. I was telling him how proud I was of him. He's close to 50, but he's had the ambition to go back to school. When he came out of school, the opportunities to further our education were very limited indeed. But he has taken interest and had the ambition to go back now and further his education.

He's just about finished. Pretty soon he'll be qualified and will come back to the island to make his contribution.

But he said, "John, we will never see an improvement in our schools until we see an increase in the number of Caymanian teachers in the classrooms." I agree.

One of the problems we have as Caymanians, and we do go through culture shock when we go elsewhere, . . . and Mr. Speaker, I am not a racist, but I think it's important for us to provide people of our own nationality in our classrooms who will encourage the pride the Caymanian student should have in the fact that they are Caymanian.

It would be interesting to see how many Caymanians we presently have in the public education of this country as a percentage of overall staff. I think we would be surprised that we haven't done very well in regard to increasing that percentage over the years.

The other area I would like to touch on before lunch is the area of early childhood education. Research has proven that the critical years for learning are between zero and three years of age. In this country we always had the impression that we could wait to send a child to school until he was six, and that at that age he was ready to learn. But research has proven that the critical years in regard to learning are between the birth of that child to age three.

The former Minister of Education removed reception classes from the primary schools, even the Lighthouse School. That was a serious disservice to our young children who wanted to get a head start in education. As far as parents are concerned, they want their children to have a pre-school experience. It's extremely important that this opportunity be made available to every Caymanian student, regardless of financial position or status in society. I have asked the present Minister of Education if the Ministry and the Department would consider lowering the age that parents can apply for a pre-school subsidy in order for their children to enjoy the experience at an earlier age.

At present, government's assistance does not start until the child is three years and nine months. It is normally only for one year. But three years nine months puts the child beyond the critical age we are talking about, zero to three years. I believe it would be a tremendous improvement if we brought that assistance down to the age of two.

The importance of the pre-school experience is not purely academic. It is also social, from the standpoint that the child is allowed to play and mingle with other children. Over the period of time they are in that surrounding they learn to adjust socially.

I have two sons. My older boy did not have that exposure. We brought somebody in to take care of that child on a daily basis. By the time the second one came along, there were some pre-schools established. Rather than having someone come in to take care of him, we put him in a pre-school. Their personalities are as different as night and day—not that they are not good boys, but that social interaction at that early age I think made a difference in the development.

As a government we have to be sensitive to these issues. We are talking about an investment in the future leaders of this country. It's amazing how quickly kids grow

up and take their rightful place in society. It's important for us to ensure that every child has that opportunity.

It has also been proven that the child that has the pre-school experience does better when entering primary school. They are much better adjusted, they have a head start in regard to colours, numbers and even their reading. I remember that even my wife had a pre-school and a lot of those children were reading by the time they left that pre-school, using phonics. They were taught the sounds of the letters, so by the time they left they could sound out words using phonics.

**The Speaker:** Would this be a convenient time to take the luncheon break?

**Mr. John D. Jefferson, Jr.:** Yes sir.

**The Speaker:** We shall suspend proceedings until 2.15.

#### PROCEEDINGS SUSPENDED AT 12.42 PM

#### PROCEEDINGS RESUMED AT 3.20 PM

**The Speaker:** Please be seated.

Debate continues on Private Member's Motion No. 14/2000. The Third Elected Member for West Bay, continuing.

**Mr. John D. Jefferson, Jr.:** Government kept me waiting so long that I have kind of lost my fight.

**The Speaker:** Shall I put the question?

*[Members' laughter]*

**Mr. John D. Jefferson, Jr.:** Anyway, I will say like the King said about his seventh wife, "You shan't be long either."

*[Members' laughter]*

**Mr. John D. Jefferson, Jr.:** I don't have a whole lot of time to wind up my comments. But, let me continue by addressing the next area, which is the Education Department. In the *Caymanian Compass* of 22 February, there was a headline reading "Education Department under Review." That article came out when I offered my contribution to the Throne Speech. I made some uncomplimentary remarks giving my opinion of the Education Department. As far as I am concerned, it was pretty factual. I was surprised that in the *Caymanian Compass* of 3 March 2000, "Education Chief Responds to MLA's Attack."

Let me say that I recognise certain of those officers that I have told personally are doing a good job. When I made those comments I was not even thinking of that particular officer being a part of the department because she has a very specialised function, and that is the Secretary for the Education Council, Mrs. Jennifer Smith. I personally think that she has done an outstanding job as far as taking care of her students, making sure that they got their money

on time. She's very, very responsible. I am quite sure you have probably had the same experience, Mr. Speaker.

I know one of her predecessors and how frustrated a lot of our students became even after they were approved for scholarships, when trying to get their money. That is not the case. This lady is very organised. If she knows that a student is leaving the islands on 1<sup>st</sup> September, the chance is that the cheque is ready by 25<sup>th</sup> August. There are no hold-ups. I want to compliment her on her good work, and encourage her to continue doing what she is doing, that is, taking care of our young people.

The other officer I have had some feedback on is Mrs. Lillian Archer. One of her functions is finding jobs for our young people when they are home on holiday. She does a fantastic job.

I was a bit surprised . . . If I say something uncomplimentary about you, Mr. Speaker, I would expect you to respond to me. Don't go ask Georgette or somebody else to respond to me because of a compliment I made in regard to you. I was a little surprised when I saw the headline, "Education Chief Responds to MLA's Attack." With your permission, let me just read a little excerpt from that article.

**The Speaker:** I will give you that permission, but I beg you to not reintroduce too much of this because this was actually debated within six months at length here in this honourable Chamber. Please skirt around it.

**Mr. John D. Jefferson, Jr.:** I am not going to delve into it, Mr. Speaker. I just want to confirm the position I took based on evidence and experience. It says, "**Dr. Tudor challenges the MLA to support his claim with concrete facts. Countering Mr. Jefferson's accusations, Dr. Tudor states that the department's predominately Caymanian staff is a dedicated group of professionals who work long hours.**"

I don't have a problem with him making those remarks, if they were justified. But do you know what was very reassuring to me was on 9<sup>th</sup> March, there was a headline in the *Caymanian Compass* that said "Education Comes in for Criticism." What made me feel pretty good was that the parents who attended the meetings held by Mrs. Millet basically confirmed what I was saying. As I said in my opening remarks, if we have a problem and we acknowledge that we have a problem, then we can work on finding a solution. But we need some improvements in the Education Department.

Each year we spend a whole lot of money on buildings, be it classrooms, assembly halls, whatever. The First Elected Member for West Bay mentioned yesterday that these facilities are not being fully utilised. For example, after 3.00 in the afternoon most of these places sit empty until the next morning. I believe that if we were a little more creative in regard to our approach to education, it would prevent our having to think about adding another classroom or another school each time we add another 40 or 50 kids.

Who made the rule that students have to leave at 3.00 in the afternoon? There's no reason for that. If we had

staggered hours at the high school or middle school level, where some students start at 7.00 or 8.00 in the morning, and others come at 11.00, and they . . . I don't know how they run their classes now, but in most schools you go from one classroom to the next for each subject. If that is the case, it would be very easy for us to accommodate more students using the same facilities if we took that approach.

I think that we have to learn to be creative in regard to the proper use of public funds. It is amazing how expensive construction has become as far as government is concerned. We have been pushing for the last eight years for a new school for the Lighthouse School. I think that last year we saw figures of estimated cost. I can't recall how much it was, but it was something like \$8 million or \$9 million for a facility.

I wouldn't want to deprive anyone of a facility—especially our special needs children. But we must be in a position to do that type of project for much, much less. I believe government has to become competitive as far as farming out its work, and get a very good price.

There is no reason why we couldn't be offering evening classes in our district for adults, and maybe students that did not get all they wanted when they went through the system. Offer special classes in reading or English, math and that type of thing to help them improve their skills.

We have come a long way in this country as far as the facilities we have for our young people. More of our young people have an opportunity to attend high school. That was not always the situation. I recall when I was at Secondary Modern School (back in the 1960s), one year I returned from summer vacation only to be told that they had dismantled the Secondary Modern System, and only the brightest students were allowed to go on to high school. Back in those days, they had a private high school. But there were not a whole lot of families that could afford to send their children to high school. That is not the situation today. Any student that wants to go to high school has the opportunity to do so. But I believe that there is room for improvement in our system.

The other point I want to make before closing is that there should be some monitoring process in place regarding students coming out of the primary schools so that we can identify those primary schools that are not doing as good a job as they should be in equipping our students to go on to the George Hicks High School, and eventually to John Gray High School. By that I mean ensuring that they have a good foundation in reading, which is the main area of deficiency. If you can't read, the chances are you are not going to have a very easy job going through middle and high school.

If it is identified that the school is not producing the calibre of student that we are looking for, then we can be in a position to provide whatever assistance that school may need by way of equipment or staff.

I have said a lot. But I trust that what I have said is taken seriously, and in the right way because my only concern is to ensure that we have a public education system second to none in this country or anywhere else. We cannot blame our deficiencies on the fact that there are no funds available. We can't blame it on the lack of facilities.

This Legislative Assembly has always supported requests for education.

I trust that the minister will take what I had to say about government scholarships seriously. I can assure that honourable gentleman that any less than an open policy whereby students apply for a government scholarship have a choice of going wherever they feel like going, anything less will be totally unacceptable. The challenge I also want to throw out to the president of the Community College is that it is important for him to promote, market, and continue to improve the facilities and the courses made available at our community college. Hopefully more of our young people will be attracted to attend the Community College because of the high standards and availability of courses offered. Until that happens, I am not prepared to make it a condition of any government scholarship that our students have to attend the Community College for their first two years.

I trust that as I requested in my statement on government scholarships a few days ago, that the minister will meet with the education council. He's very persuasive. Believe me, he's very persuasive. I trust he will use his influence to come up with policies or guidelines acceptable to all honourable parents and students in this country. Thank you.

**The Speaker:** Does any other member wish to speak? (Pause) The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you. I was hoping that my good friend the Third Elected Member for West Bay would have taken us through the afternoon.

The motion before us, Private Member's Motion No. 14/2000 on the subject of the Public Education System, is a most important motion. It is very wide in its scope. I want to say that I am happy that you have given the latitude you have to previous speakers on this very important motion because it affects the future of the people of these islands.

To refresh the minds of the listening public, I would like to quickly read the motion. It reads:

**“WHEREAS in any rapidly developing country the level and diversity of education offered by the public system is of vital importance;**

**“AND WHEREAS it appears that the educational demands created by the rapid economic development in the Cayman Islands are not being adequately met by the present system;**

**“BE IT THEREFORE RESOLVED that the Minister of Education, acting under his constitutional responsibility to deliver policy in the area of education, set out a properly prioritised plan, including costs and specific timing of implementation to address the present needs in the public education system.”**

It is somewhat difficult for this honourable House not to support this motion when one considers that it is premised on the basis of the Vision 2008 National Strategic Plan. And since this House unanimously accepted the Vision 2008 National Strategic Plan, I find it would be somewhat inconsistent to vote against this motion. It highlights the objectives of that plan under strategy 3, which reads,



**“We will support an educational system which identifies and develops the abilities of all persons encouraging them to realise their full potential.”**

I will deal in further detail with the action plans under this strategy 3. My position is based on the wishes of the people in that the Vision 2008 plan is widely regarded as the people's plan. If we are saying that we have accepted the people's plan, I can't see where we can go against a motion that pretty much highlights that particular plan.

Before moving into that, I wish to comment on certain remarks I have heard in this honourable House about qualifications and experience. I believe it is getting a bit stale when members continue to flout their qualifications trying to make others look bad in so doing. I believe that the only reason we are in here as representatives is because we have satisfied the voting public that we are qualified to represent them.

That said, let me quickly say that I feel that I am as qualified as any other member to speak on this motion and to represent my people. But if individuals are as qualified as they say they are, then it should be easily seen by their behaviour and they should not have to continually remind the public they are so highly qualified. I find that attitude to be a little boring.

I visited the House of Commons. I often listened to debates in the House of Representatives on C-Span and otherwise. I have yet to hear any of those honourable members pounding their chests, talking about their qualifications. I believe that most of the people in these islands realise that we are qualified. But some of your very best representatives in this House are not necessarily people with degrees and qualifications. But when it comes to intelligence, you cannot touch them. They are second to none.

I therefore hope that we will hear less and less of people talking about their qualifications.

I could go on because I believe that when it comes to working hard for one's qualification I am perhaps one of the few in Cayman who had to work his way through high school and I was the very first Caymanians to qualify as a professional accountant. But I don't need to get up in this House and say that. The people I represent will hopefully see my qualities, know that I am an intelligent person and I won't have to constantly remind them of that fact.

I would also like to say to those who like to shout about their degrees and qualifications, using it interchangeably, that there is a major difference between a degree and a qualification. A degree suggests your intelligence. A qualification on the other hand makes you responsible for the particular discipline in which you are qualified. A qualified lawyer has certain responsibilities. And if due diligence is not maintained with those responsibilities that person could even be disbarred. It is similar with a qualified accountant. That person is a professional. A degreed person is a different kettle of fish, even though that person is highly qualified.

So, when somebody comes into this House with a degree, a qualification or whatever, if the people have voted for that person to represent them, I don't think their position should be questioned, or made to look small. They are doing a very valuable job. And, Mr. Speaker, I hope we

will hear less and less of this chest pounding in this election year.

It is interesting to note that we are looking at an education system that is divided into several segments. I feel I am able to speak on this having served in the educational administration. As most people know, from 1976 to 1979 I served as the Principal Secretary for Health, Education and Social Services. Even though the work has increased by many fold today the basic principle remains the same. I can understand where we have moved over the years.

I do not believe it would be fair to say that there have not been a lot of improvements and tremendous strides made, not only by this government, but by successive governments. It would also be unfair to say that there had not been tremendous strides made by the present government.

The segments in which the educational system is divided are as follows: the academic stream, the technical and vocational stream; then you have a subdivision into language arts, which includes reading, writing, etc.; mathematics, science, social studies which includes history, geography, etc.; then you have government studies, religious education, physical education, arts and crafts, music, etc. I am giving that information so that I can develop my further comments.

It is important to note when talking about our children falling through the cracks, that we understand precisely the system in place. Why is it that this happens? Can it be totally prevented? Within our education system we have various sets in place, starting from the middle school going into the high school, no doubt starting from the primary level. But from the middle school, or junior high level, you have at least six sets. At the John Gray High School you are looking at a further two sets, bringing it to eight sets.

The reason I am mentioning this is to explain why it is that some children are moved into an academic stream while others are taken into a technical or vocational stream, while some fall into that crack we speak about.

Within these sets, the top two usually move on to tertiary education. The third and fourth sets could be placed anywhere between tertiary and other training. But the first two sets normally move on to get their degrees in professions and so on. But they only form a small proportion of the major student population. That proportion is about 15% to 20%. In sets five and six we have our technical and vocational, or what we sometimes refer to as the lower academic performance. Students coming through these lower sets are usually placed in the vocational and technical side of education.

But there is a small percentage, say 10%, that will fall through the cracks. Is that peculiar to the Cayman Islands? The answer is no. Even in the best developed countries, including the United Kingdom, the United States of America, and other highly developed countries, there is a small percentage that fall through the cracks. This is more relevant when we consider that the Cayman Islands is a developing country, and each year we are learning new processes and putting them in place. To say we have reached the point of perfection in any area of our development, whether it be education, in tourism, or in our financial sector, would be a very naive position to take.

We must look at this realistically and understand that the Cayman Islands has made great strides. But despite those major strides, there is still a lot that can be done to further develop and improve our situation. It is my understanding that even with that small percentage that will fall through the cracks, there is special support services and special remedial services to assist these individuals. It is also my understanding that special classes are provided to assist these individuals.

This is not to say that all of these students take advantage of the opportunity, but I understand from reliable sources that this facility is available. The problem, as I understand it, is a systemic problem. It is not one that is starting only at the junior high and the high school. It starts at the basic level, the primary, and even the introductory stage.

When we look at education like any social science, we must understand that it is a multifaceted situation where assistance must come from various levels. We must have assistance coming from the home, the schools, the churches, and the wider community. In this respect, I agree with Hilary Clinton when she said that it takes a village to raise a child.

We cannot just blame the education system. While there are weaknesses in that system, we must all work together, including the parents in the homes and the teachers in the schools, the wider community, we must all work together in developing our young people.

The question might be asked, What is being done now to address the problem? I will be showing where this same problem was recognised by those individuals responsible for the preparation of the Vision 2008 plan. Those individuals were not only the individuals involved in the roundtable discussions, but also the wider community. That is why it's called the people's plan. Whatever we do here in the future, I feel it should be based on the Vision 2008 plan. I can hardly see us bringing motions to this House if we have not read the 2008 plan to ensure there is some compliance, or capability with that plan, if that plan is going to be the guide to our future development.

I understand that the national curriculum, under the auspices of Mr. Herbert Crawford, is being implemented at the primary level, and that within a very short time it will be implemented at the secondary level in full. This is being developed under the National Strategic Plan introduced in 1995. I understand that since 1995 the National Strategic Plan has been reviewed several times and rolled over in 1999. This is as it should be because if we are a developing country—which by its own meaning suggests there will be changes as we develop—we must meet those changes by revision of not only our education plan, but indeed all laws and regulations that govern this country.

I mentioned that it is estimated that between 15% to 20% of our students coming out of school will be considered academic and will move on to further education. The major concern is on that other 80% or more that will either opt to be placed into the technical and vocational area of education, or may not even complete the 12 years of public education made available.

Much of the problem being faced with the technical and vocational side of education is not emanating from within the school system. From the time I was in education administration—some 20-odd years ago—when I served as the Principal Secretary for Education, there was a problem emanating because of the cultural views of many of the parents within this country. This is not to knock the parents, but just to point the finger where some of the blame lies.

Why is it that some of our boys who are not able to meet the academic standards refuse to get fully involved in the tourism industry? Others from abroad come to these islands and make a good living from the tourism industry. What is wrong with boys waiting on tables? Is it a problem with your education system? Or is it a cultural bias coming out of the homes?

**Mrs. Edna M. Moyle:** The old stereotyping.

**Mr. Linford A. Pierson:** Let's look at the problem. It doesn't matter which government is sitting in those five chairs. If that problem is not corrected it will continue to permeate. Our problem is that most of our young men refuse to do certain jobs.

Why is it that we have so many falling within those cracks, yet we have to bring in so many mechanics, so many masons, so many painters and people in the technical trades? Yet, we say that a lot of our people are out of work. Let us not start putting blame, but let us focus on the problem and try to correct that problem. I do believe that this is the intention of the mover of the motion. I believe that the intention is to focus on this problem.

The problems are not just occurring when the child is in high school. It does not occur when the child enters junior high. It is a systemic problem; it is a cultural problem. This is where we need to focus our attention.

As I speak, there are developing trends in this country. Traditionally our economy has been divided into two major segments. We had the financial industry, and the tourism industry. But now we are considering a third segment, our E-Commerce, or E-Business. What is being done within the school system at present to focus attention in that direction? I am reliably informed that the national curriculum is presently taking that particular point into account in the process of its development. But I trust that more and more of our young people will show an interest in this new developing area. The wave of the future will be the Internet, E-Commerce, and E-Business. Our young people should be focusing a lot of attention in that area.

This motion specifically focuses on public education. But if I could extend it, I would like to say it is important that representatives of this country also focus on educating the public, not just on public education, which really encompasses the education within the school system. Educating the public encompasses education intra and extra the school system.

It amazes me how many people say that they don't understand a matter that has been passed in the House. It is our responsibility, where possible, to enlighten those individuals. That is one of the reasons we have been given

this honourable position of serving and representing our people. I find it somewhat strange that people still say that they don't know what the White Paper is all about. Here is a most important document. Someone should be educating the public.

A lot of people are saying it's going to be the destruction of the Cayman Islands. I have made reference to that, and I will not dwell on this very long, just to show that it is much wider than just the curriculum within the school system.

For those still questioning what the White Paper is about (since I raised that issue), it deals with four major issues. If anyone wishes to get more information on that, I am sure that any member of the House will be happy to sit with that individual. But I believe I can say that my colleague, the First Elected Member for George Town, and I will be more than happy to sit and explain these four areas.

The four areas are: 1) the question of citizenship; 2) the environment; 3) human rights (which includes the question of homosexuality); and 4) the financial industry. They are the four major areas. I invite anyone who still has questions to phone any member of the House. I feel free to say that the four members for George Town would be happy to deal with these issues and explain them. But I am pretty sure that my colleague and I will be happy to entertain questions on this most important document.

The other reason why I brought this up is to ask the question, How many of our school children within the school system, within the social studies department, the civics area of the syllabus, have been told anything about this White Paper, or how government even works? How many of them understand the way the economy works? Perhaps that is an area that the developers of the national curriculum should focus attention on.

When I was growing up I knew more about the geography of England than I did of Grand Cayman. I knew more about the history of England than I did of Grand Cayman. It's only recently that I really knew a little bit about Grand Cayman through reading. These things are not provided as fully as they should be within our national curriculum.

A very important question is, What is required to provide an adequate public education system? That is really the crux of the whole thing. What do we require to provide an adequate public education system? Without a doubt we need resource materials, properly qualified teachers and the materials they need to teach. We also need a proper national curriculum as a part of our national education strategic plan. But we need to have the necessary physical facilities.

I remember ever since 1996 that this matter has been raised in this House, particularly by my colleague the First Elected Member for George Town. Many questions have been asked about the primary schools, the high schools and the lack of facilities. It is my understanding that consideration is currently being given to the introduction of two primary schools, one in Spotts, and another in Boatswain Bay. But when will these come on line? I am also reliably informed that this is now in the works. I hope before too very long we will find these primary schools breaking

ground. And before too long after that we will have these primary schools operational.

A school I believe is equally important is the new high school. It is my understanding that this new high school will serve East End, North Side, Bodden Town and the children as far down as Red Bay. It's very important where this school is located. But I would have thought that if it's going to have the desired effect of children not having to get up at 5.00 in the morning, and returning home at 7.00 in the night, that the school would be better situated somewhere between East End, North Side and Bodden Town. Children from Red Bay could be accommodated at the present high school. But to try to stretch out that whole area—North Side to Red Bay—will leave us in the exact same situation we are presently in. It is very important that serious consideration be given to the location of this school. It should be very carefully thought out.

What role does our national strategic plan, better known as Vision 2008, play in the whole development of our public education system? Before dealing with this in the national strategic plan itself, I wish to give an indication of the importance of the national strategic plan. It has been referred to in the "Key to the Future," which is a guide to the plan, as a blueprint for the future. If our national strategic plan is a blueprint for the future, then we are bound, especially after we have unanimously passed it in this House, to follow the guidelines under this plan. I am not saying religiously, but in general terms, we should follow the guidelines under this plan.

In a way, I find it somewhat unfortunate that the implementation of this plan is not moving ahead a little faster. But I am encouraged by the recent announcement by His Excellency that an appointment has been made for someone to move this ahead on a timely basis.

It says "**The culmination of the efforts of the thousands of community members who participated in Vision 2008 is a blueprint for the future of our Cayman Islands reflecting the hopes and aspirations of the people of the Cayman Islands—colour and diverse social environmental and economic issues integrated into one vision, a vision of a community which is developing in harmony and prosperity.**"

I submit that a most important segment of that development is our education system. It goes on to say "**The strategies and inter-related action plans developed for each of the three Cayman Islands reflect this common theme [developing in harmony and prosperity]. Each island has a unique expression of this theme which reflects local circumstances, the different stages in development on each island and the particular goals of the people of each of the islands.**" I am speaking of our own national strategic plan, Vision 2008, which should be followed.

The reason why I gave that background of the importance of the plan was to really lead into the next point I am going to make. The education side of our development is so important that a separate strategy was dedicated to education with the following undertaking, and I quote, "**We will support an educational system, which identifies**

**and develops the abilities of all persons encouraging them to realise their full potential.”**

Again I ask, How will government not accept this motion when that major strategy which was unanimously accepted in this House? Action plan 1 under that strategy states, **“To identify and implement those parts of the education plan that still need to be implemented.”**

The second recital of this motion reads. **“AND WHEREAS it appears that the educational demands created by the rapid economic development in the Cayman Islands are not being adequately met by the present system . . .”** you can see how our national plan has made provision to deal with that particular issue. This is an all-encompassing plan.

Action plan 2 states, **“To identify gaps in the existing education development plan and provide programmes to fill those gaps.”** In my humble opinion, this motion encapsulates the essence of Vision 2008. It is not a new concept. It is really reciting what has already been accepted in this honourable House. That is why I said in my opening remarks that government will be hard pressed not to accept the motion even if it is accepted under an amended form. If we have already accepted our national strategic plan (which we did) Vision 2008—which supports this motion—we can hardly refuse the motion and at the same time say we are accepting the recommendations made under Vision 2008. That would be a contradiction.

I have a number of other points I wish to make and I would be pleased to give way at this time if you wish to adjourn.

#### **MOMENT OF INTERRUPTION—4.30 PM**

**The Speaker:** In accordance with Standing Order 10(2) we have reached the hour of interruption. I would entertain a motion for the adjournment of this honourable House.

The Honourable Minister for Tourism, Commerce, Transport and Works.

#### **ADJOURNMENT**

**Hon. Thomas C. Jefferson:** Mr. Speaker, I am pleased to move the adjournment of this Honourable House, but before I sit down, it is appropriate to say that five of the members of this House have been requested to attend a meeting of the OECD in Paris next week. We are scheduled to leave on Sunday and return the following Saturday. We have made some contact with members about what I am about to say, and that is that we see the need to ask for the adjournment until 10.00 AM Wednesday, 5<sup>th</sup> July, as that Monday would be a holiday. So, I move the adjournment until Wednesday, 5<sup>th</sup> July 2000 at 10.00 AM.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM Wednesday, 5<sup>th</sup> July. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 5 JULY 2000.**

**EDITED  
WEDNESDAY  
5 JULY 2000  
11.57 AM**

*[Prayers read by the First Elected Member for West Bay]*

**The Speaker:** Proceedings are resumed. Item number 2 on today's Order Paper, Administration of Oaths or Affirmations. I would ask Mr. Donovan W.F. Ebanks, MBE to come forward to the Clerk's table.

Would all honourable members please stand?

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**  
*(Mr. Donovan W.F. Ebanks)*

**Mr. Donovan Ebanks:** I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

**The Speaker:** Mr. Ebanks, on behalf on all honourable members I welcome you to this honourable House for the time of your service. I would ask that you take your seat as the Honourable Acting Temporary First Official member.

Oath of Allegiance to Mr. Adam Roberts to be the Honourable Acting Temporary Second Official Member.

**OATH OF ALLEGIANCE**  
*(Mr. Adam Roberts)*

**Mr. Adam Roberts:** I, Adam Roberts, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

**The Speaker:** Mr. Roberts on behalf of all honourable members I welcome you to this honourable House for the time of your service. Please take your seat as the Honourable Acting Temporary Second Official Member.

Mr. Arthur Joel Walton, JP to be the Honourable Acting Temporary Third Official Member. Mr. Walton would you come forth to the Clerk's table please?

**OATH OF ALLEGIANCE**  
*(Mr. Arthur Joel Walton, JP)*

**Mr. Joel Walton:** I, Arthur Joel Walton, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

**The Speaker:** Mr. Walton on behalf of all honourable members I welcome you to this honourable Legislative Assembly for the time of your service. Please take your seat as the Honourable Acting Temporary Third Official Member.

Please be seated.

Item number 3 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have received apologies from the Honourable Second and Third Official Members who are overseas in an important meeting in Washington DC. The Honourable Minister for Tourism, Commerce, Transport and Works, and the Honourable Minister for Education, Aviation and Planning are also attending that meeting in Washington DC.

We have apologies from the Third Elected Member for George Town who is also attending that meeting and from the Fourth Elected Member for West Bay who is not well.

That concludes the apologies. The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**ADJOURNMENT**

**Hon. John. B. McLean:** Mr. Speaker, I move the adjournment of this honourable House until 10.00 a.m. on 10 July, which is next Monday.

**The Speaker:** I shall put the question that this Honourable House do now adjourn until 10.00 a.m. Monday, July 10.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker!

**Mr. D. Kurt Tibbetts:** Mr. Speaker, before you put the question, please . . .

**Mr. John D. Jefferson, Jr.:** As you recall I came to your office this morning to discuss whether or not there was a possibility of us logically continuing the business of the House with the understanding that any item that required a response by any of the honourable ministers who are away would be deferred.

Mr. Speaker, I think it is important for us to remember that there are eighteen members of this Legislative

Assembly. In the absence of the official members, we have, like we do this morning, temporary members who take their rightful places. So, there is no logical reason why the business of this House has to be adjourned every time the five-member negotiating team finds it necessary to be off of the island.

Mr. Speaker, let me also remind you (and I don't think I have to) that this is an election year. The House is going to be dissolved early in September and we have a lot of business to attend to before that specific date. Like I said, I see no reason why we cannot logically accomplish as much business as possible other than the business that has to be addressed by the honourable Ministers of Education and Tourism.

If we adjourn until Monday, we have to be prepared to work late next week in order to ensure that this particular meeting of the House is completed before the September meeting starts. I think it is a shame that as legislators we cannot agree among ourselves to have the elected ministers who remain behind be prepared to move forward with the items they are concerned with.

Mr. Speaker, I certainly don't see any very controversial issues that are going to be discussed. We have some very important private members' motions, but I think most of them will receive the support and approval of the government. So, I really don't see any reason why we have to adjourn this honourable House every time the Leader of Government Business finds it necessary to be away on official business.

Thank you, sir.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I would like to thank you for the opportunity to actually voice my concern with the government requesting that the House be adjourned.

We have three elected ministers present here. We have three nominated members also present—but we have the majority of the ministers present in the Legislative Assembly. They are also capable, I think, of continuing the business.

It is not just the government that has business in the House because there are many private members' motions and parliamentary questions. Is it fair for the House to be adjourned simply because certain members of the government believe that it is efficient for them to have the House adjourned?

Now, we had three members sworn in here today for the specific purpose of voting for this adjournment. I know we are all equal in the House, but we are elected members. We are going to go back to the people in November to ask for their support. We are still in the process of trying to make the case to the people that we are earning our money, and that we are capable of doing the job that we were elected to do.

Now, if we are paid members but we are not sitting when we should be sitting because other members are doing the job that they should be doing, why should we be deprived of doing the job that we should be doing be-

cause they are doing the job that they should be doing? There is a clear distinction in my mind between policy and legislation. We are the legislative part of the political process. The two ministers who are away are the policy part, the executive part. But when the executive is capable of imposing its will on the legislative part to the extent we have seen it imposed on this parliament over the last few months—because of the external issues—then what will be the ramification with regard to the democratic process and the democratic work in the country?

We have a lot of issues that we think are important—private members' issues that we need to bring to the government's attention. If we have the majority of the elective government here at the moment there is no logical reason why the process should be hindered.

Now, I hope that there is no assumption being made by anybody in this country that the three elected ministers of government are not capable of rebutting or supporting whatever motion is being made, because they are all qualified capable people who have served good time in the Executive Council. The father of the House, for instance, sits here today with us. So, we are quite capable of continuing the business of the country. I think it is effective, efficient and the democratic thing to do.

Should we find today that we are hindered from continuing this process, then I think it is only fair that we tell the people that the process is being held up—not because we believe that the business that the government is doing abroad is unimportant—but because there are certain members of government who believe that nothing should be done in this country unless they participate in that process.

**The Speaker:** Does any other Member wish to speak?  
The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you, Mr. Speaker.

Perhaps, some of what I have to say has already been said, but there are a few things that I would like to say also.

Mr. Speaker, with the greatest of respect I want to address you as the Speaker of this House on a specific issue. I believe that you as the Speaker of this House have a responsibility to this House to see that the business of this House gets done as expeditiously as possible. You have said so yourself on occasion. I recognise your attempt to maintain a certain amount of order and progression.

If the Leader of Government Business—and it is only because I have to address that position—is the chairman of the Business Committee finds himself in the untenable circumstance to function as the chairman and for the Business Committee itself to function, then I believe that the Leader of Government Business should resign from the Business Committee and somebody else be appointed as chairman of the Business Committee who can cause the Business Committee to function.

What has been pulled today—supposedly by logic and/or Standing Orders—as you have said to us that what was on the Order Paper originally was not sanc-

tioned by the Business Committee so it should not have been put on the Order Paper. If we were to depend on the functions of the Business Committee, we would not function as a Legislative Assembly half of the time at best. There is something inherently wrong with the function of this Legislative Assembly, and I believe that you recognise that.

If the government feels its loyalty is to stick to the issue of proceedings not continuing because the Leader of Government Business does not wish for those proceedings to continue in his absence, then they are free to do so. But you also, Mr. Speaker, have a duty to the minority.

As has been mentioned to you before, this country's business today could continue. There is no disrespect to the absence of the members who are away on official business. There is no position being taken that that official business they are on is not very important and vital business. But I ask you the question, Mr. Speaker, Do their ministries shut down in their absence? Why should we shut down in their absence?

Clearly, the government right now is confident of a majority for any vote that is taken. If they were not confident we probably would not have started as yet because obviously that was the ploy from the beginning.

Mr. Speaker, I say this with total sincerity, sir: What is happening right now in this House today—not casting any aspersions or any blame on you or the Chair at this point in time—is wrong! It is wrong for this country!

Obviously, this was not planned for, and I respect that. What will happen next week when something else is not planned for and the same thing occurs? What are we going to do then? Where do we draw the line? When do we begin to function?

Sir, I am going to appeal to the government today, if there is cooperation in this House no one is going to seek an edge. We simply want the country's business to continue. It is frustrating at best to say that we come here wanting the business to go on. Clearly (because no one has said otherwise), it is only because of the absence of a few ministers that we cannot continue the business.

As was said to you by the first speaker this morning, no one wishes to try to point motions or questions or direct them to anyone absent for someone else to have to deal with. There is enough business here . . . and there are enough questions here for those who are here to deal with.

They have the numbers, Mr. Speaker, and they can shut this thing down. But I am saying loud and clear that it is wrong to do so. If they make that decision this morning they are telling this country that they are holding the country ransom to do at their will what they wish to do and democracy will not prevail.

**The Speaker:** Honourable Members, I crave your indulgence for permission to reply to Mr. Tibbetts. I think he has directed to the Chair and it is my responsibility.

If it is the wish of the House that I reply in writing I shall be more than happy to do so. If it is the wish that I

reply orally I would be more than happy to do so. So I shall now put the question that I reply to him orally.

Could you indicate by a show of hands—I will be more than happy to reply in writing.

**Hon. Julianna O'Connor-Connolly:** Mr. Speaker, if I may?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Mr. Speaker, seeing that it was the First Elected Member for George Town who brought those specific issues to your attention, perhaps it would be in order to ask him directly what is his wish, whether he wishes it in writing or orally. I have no objection to whatever way he wishes that to go sir.

**The Speaker:** I cannot put a question without a motion so I would ask for a show of hands. I will be led by the House because I was placed in this Honourable Chair to carry out the will of the House—and I shall do that at all times.

Would you prefer me to reply in wiring?

**Mr. D. Kurt Tibbetts:** Mr. Speaker, I am at your disposal, sir, whatever is convenient for you I am happy with however you wish to do it.

**The Speaker:** I will reply in writing.

Does any other Member wish to speak?

The Honourable Minister for Health, Community Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, just to give a version of where I understand we have come from on this. While the negotiating team is still overseas I was notified by the Clerk of Executive Council that because of certain developments Executive Council would be moved up earlier to be held at 9.00 a.m. on Tuesday instead of the traditional time of 10.00 a.m.

I knew nothing about any other meeting that transpired between Friday and Tuesday. My understanding—while discussions were going on between the Leader of Government Business and the Honourable Third Official Member—was that contact would be made with members of Legislative Assembly that were available. I understand that some were reached.

It was my understanding (and I think that of other members of Executive Council) that there would be a meeting of the Legislative Assembly, but it would be merely for an adjournment since they had been off to Europe with negotiations. Because of certain developments and with the possibility of some serious actions against these islands—possibly tomorrow or by the weekend—they needed to act promptly. That is my understanding.

My feeling is that there is a traditional serious failure of communication. I think if all members knew this . . . Everyone knows I preach that we need to keep the

backbenchers informed of what's going on and many of these—I am not being critical of my government, Mr. Speaker—but it has been a weakness, a failure of communication. That is my understanding of how we would come here this morning.

As a matter of fact, I am not quite familiar with the protocol whether we needed to come here since the Honourable Financial Secretary had spoken to some people and evidently it was not going the way it was. The only thing I do remember, is that one minister said that we needed to continue to work late next week and the agreement in Executive Council was that we would do that. That is my understanding of the situation.

For what it is worth, I am sorry about this failure of communication or whatever it is but these things should not be happening at this level.

Thank you.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. I would like to echo the comments of the Fourth Elected Member for George Town, the First Elected Member George Town and the Third Elected Member for West Bay.

When I was elected in 1996 to represent the people of the district of North Side, I was elected to carry out the business of this country that affects them. The Standing Orders say that if there is a quorum the proceedings of the House shall continue unless there is a specific reason to call for an adjournment on urgent public matters, which would then be debated.

Mr. Speaker, I was not contacted that the team was returning to Washington until I heard it yesterday in the Public Accounts Committee meeting. There is a Clerk and there is a Deputy Clerk in this Parliament whose duties are when these things arise to notify each serving Member of the Parliament. This is not a matter to put the blame at the feet of the Third Official Member, the Financial Secretary. He has no responsibility whatsoever for this Parliament.

The Leader of Government Business who requested this adjournment should have contacted the Clerk or the Deputy Clerk and had the proper information passed to the backbench. I would assume the government would have known.

Mr. Speaker, I would like to record my concern this morning for this Parliament being held up deliberately (and I can be corrected) until one of the official members could reach this Parliament and be sworn in so that the government could have a majority to carry out the adjournment of this Parliament—and the opposition and minority on this side have no rights.

So, Mr. Speaker, I would like to say I have no intentions of supporting an adjournment. There are some 93 questions on the Order Paper, some 11 or 12 motions that are not addressed to the Minister of Tourism and not addressed to the Minister of Education. There are three responsible ministers that I voted for, except one, to go into Council to represent me as a member of this Legislative Assembly because I thought that they had the abil-

ity to carry out the duties and responsibilities as that minister being my representative in Parliament.

It speaks very unfairly for the three official members that we deliberately swore in this morning so that there could be a quorum so that we could adjourn. It says to me that those members do not have the ability to lay a report in this Parliament unless they are told by the Leader of Government Business that they can do it.

Mr. Speaker, I have the greatest of respect for those three acting official members. I would say to them that I hope they don't think that is the belief of all members sitting in this Parliament. We on this side, my colleagues that are with me, feel that you are quite capable of carrying out the laying of a report, the answering of questions and maybe even the reply to motions.

I agree with the Fourth Elected Member [of George Town] and the Third Elected Member [of West Bay]. There are eighteen members of this Parliament. The Government could have sat before they left yesterday and decided on what motions they were prepared to accept. They still have the majority in that they have six over there and they have the Second Elected Member for Bodden Town over here, which gives them the majority in Parliament so their motions would have been voted on in the way that they wanted them voted on.

I don't believe that any minister needs other ministers to tell him how to reply to questions in this Parliament.

So, Mr. Speaker, with those few words I have no intention of supporting any motion for the adjournment of this Parliament because there is a quorum in the Parliament that the business of this country can continue.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** As I understand the procedure for meetings, notice of meetings, notices of adjournments and any change in the schedule of the business of this Parliament, those notices emanate from the offices of the Clerk or the Deputy Clerk.

Therefore, the Honourable Third Official Member had no official responsibility to contact any member. I was one of those members contacted and the honourable member did explain why. But I gave no undertaking that I was coming here to vote on the adjournment. I merely raised with the honourable member the possibility that when they returned from their trip the Parliament would have to meet late. I was putting him on notice that their co-operation would be necessary for the Parliament to meet late to dispatch as expeditiously as possible the business of the country.

Now, if I understand the Westminster system, as I believe I do, we are operating on a convoluted version of that here. The Leader of Government Business—who is also the Chairman of the Business Committee—has the responsibility to set the business for the House. Once that business is set, it should have been his obligation to notify the Clerk and her deputy to inform the members as



to any change. I would have to say that it is contempt on the part of someone.

I would rather say, Mr. Speaker, that it is contempt rather than ignorance for such an honourable minister being here for so long. He should not be ignorant of the procedure; so, it must be contempt on his part for not following the correct procedure.

Then for the government to come and expect that the backbench is going to be so timid as to accept these things forgetting that we too are representatives of the people, and that we too have our responsibilities and obligations to carry out towards the people . . . Mr. Speaker, that is saying a bit much. Somebody needs to tell me if the Cayman Islands is being run as a one party state. For only in one party states can the Leader of Government Business take off and say, *'There will be no Parliament because the Leader is out of the country'*. That does not happen in any Westminster style democracy. Only African countries and some of these other countries that still practice one party politics do that kind of thing. Mr. Speaker, we need to get this understanding clear.

I listened to the Honourable Minister of Health mention poor communication. Poor communication it is! But it is poor communication every time! I have to pose the question: Is it deliberately poor communication?

Mr. Speaker, in my book this is a contempt for Parliament and contempt for members. I say again that it casts you as the Honourable Speaker in an untenable position. It should not be your responsibility—out respect and deference to you—to have to referee this kind of disagreement and dispute. You are the Honourable Speaker! This shows there is a lack of respect for the role you play as Speaker by casting you into this untenable position.

Mr. Speaker, what is clear, sir, is that we need lessons in parliamentary procedure and protocol. Perhaps, we should study the history of how Parliament emanated when Cromwell got rid of the King and then we will understand our roles as representatives of the people. And maybe we should take some time to read history.

Mr. Speaker, I cannot, sir, in my good sense vote for the adjournment. We have business to do! Elections are nigh upon us! August is the time when most family members—including the staff of this Honourable Parliament—set aside to take vacation. The House prorogues on 26 September, there is business to be done. The show should go on!

The Parliament has a quorum. The business of the country should go on. I respect the fact that the delegation is gone on important business, but that too was handled discourteously. You cannot just call someone over the telephone—I mean, who are we, lackeys?—and say, *'We will be out of the country.'* That too did not even come from the elected leader.

Mr. Speaker, it is high time somebody understands. It is no wonder we don't get treated any better if the people don't understand internal protocol. Thank you, sir.

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

The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John. B. McLean:** Mr. Speaker, I have listened to the various speakers . . . and I am not making any excuses for anyone. It is unfortunate that this has been handled the way it has been, but I know that the Leader of Government Business did speak to you, sir. I know that the other ministers and I were told that the Financial Secretary had contacted two other members.

I realise what the members are saying with regard to the Leader of Government Business. But the Leader, the Financial Secretary, and the Attorney General have been under a lot of stress and strain with regard to travelling from London, getting home over the weekend, trying to prepare themselves to get on to the United States. I believe it is all of this put together that has caused the breakdown here with the notification of members.

I apologise on behalf of government for this, because I feel like all honourable members here realise that these gentlemen are away on some very serious business, equally as serious as what we are about to do in this Chamber at any one time. If things are not going well abroad, we are all aware that there could be problems in the islands.

So, I would say again, I apologise on behalf of the government to the members for the misunderstanding. I trust we can go forward from here. It is not the first time we have had to adjourn this House because of such meetings abroad and I hope this one could be treated the same way.

**Mrs. Edna Moyle:** Mr. Speaker, if you would allow me, sir.

**The Speaker:** Briefly. The Elected Member for North Side.

**Mrs. Edna Moyle:** Through you to the father of the House, I wonder if he could tell the Parliament why is it necessary to close down Parliament when there is a quorum within the Chamber.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources. This is not question time, if you wish to reply you may.

Does any other Member wish to speak?

The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** I won't be long, sir, but the point that I would like to question is why we come here and we have a quorum and we have to sit until 11.00 a.m. Nobody comes and tells us anything. We just sit down not doing anything, Mr. Speaker. Just wasting time until government can get its business sorted out.

It is certainly not fair to members who have things to do. We have constituencies to run, business to attend to and I certainly take objection to that.

Now, what has happened here has been happening for several years and I have always complained, be-

cause the fact remains that . . . For instance, on this Order Paper are three motions. Motion 2 could be dealt with. The Community Development Minister is here or the Minister of Social Services.

The next item could be dealt with by the Community Development Minister. Private Member's Motion No. 10/2000, Establishment of a "Safe House" for Battered Women and Children could be dealt with.

All I am saying is that these items do not impact upon the Ministries of Tourism and Education or the Portfolio of Legal Affairs or the Finance Department. I believe it is just a waste of time for all of us to be brought back into this House to come to say prayers to adjourn. The truth is, I learned about this some time yesterday. But no one called me to explain what the situation is or was. Nobody had that courtesy—and I carry a cellular phone and the number is available to all members of this House!

Mr. Speaker, notwithstanding that some members had to leave on urgent business, the fact remains that I don't believe all members had to leave. I certainly recognise the precarious position that this country is in. All of us recognise that. The truth must be told to the country that we are in a precarious situation, and we can be damaged. But at least tell us as members that something is wrong and we need to shut down. I still say that the House does not need to shut down so that we can get business completed.

I take objection having to come here this morning to sit down and waste this amount of time just to vent our feelings. Nothing constructive has been done so far. I just hope that members and Council . . . because I really believe that they have a duty to answer the business that is on the Order Paper and they certainly have a majority by all account. I take objection to it because it is a waste of the country's time. Thank you.

**The Speaker:** Honourable members, I feel an obligation to reply to some of the remarks made, but first I would like to thank all Honourable members for exercising their democratic right. I have not held that democratic right from any member.

I have asked for any member wishing to speak and have given them as long as they wanted. I want to make it abundantly clear that I am here to do a job and I will do it to the best of my ability. I am not here to listen to one side or the other. I am here to do what is in the Standing Orders—which I hold in my hand—and when they are silent on an issue I refer to Erskine May, 22<sup>nd</sup> Edition, *Parliamentary Practice and Procedure*.

I was rather shocked to hear my Deputy Speaker say that a quorum was present this morning. I want to make it abundantly clear that the Standing Orders say "a quorum present." On numerous occasions I have had to wait in my office for hours, sometime less, standing by this door waiting for the Serjeant-at-Arms to bring me in, simply because there was not seated in this Chamber eight members.

The quorum calls that the members be *present in the Chamber*—not in the precincts. I would like that to be

on record. Therefore, there was no deliberate delay. And I say that. She said it was either deliberate or otherwise and I am telling her what the otherwise really is.

I thank you all very much. At this time I shall now put the question that this Honourable House—

**Mr. W. McKeever Bush:** Mr. Speaker, I think we need to clear the air on the Deputy Speaker because the fact remains that you had four government members/ministers in your office. So, whether we had been in here or not, there would not have been a quorum.

**The Speaker:** I do not wish to entertain any more debate.

**Mr. W. McKeever Bush:** No, but you need to tell the truth on the Deputy Speaker!

**The Speaker:** Please sit down!

**Mr. W. McKeever Bush:** What I am saying about "the truth," I will withdraw, but you need to make it absolutely clear what the member was saying. That would be fair to the member.

**The Speaker:** Let us make it very clear this morning, you withdrew because I am telling the truth and I ask that that be withdrawn now.

**Mr. W. McKeever Bush:** I said I will withdraw "the truth" if you say that you had four members in your office.

**The Speaker:** No if's, and's, or but's! I am asking you to withdraw 'that I am not telling the truth'.

**Mr. W. McKeever Bush:** Well, sir, I said I withdraw the truth—

**The Speaker:** Stop it there please!

**Mr. W. McKeever Bush:** . . . if you would clear the air that their were government members sufficient for a quorum in this House.

**The Speaker:** I want you to state that you withdraw that I am telling an untruth and stop at that.

**Mr. W. McKeever Bush:** Mr. Speaker, I withdraw that you were telling an untruth. What I am saying that you need to state absolutely clearly is that you had government members in your office which would have made the quorum that the Deputy Speaker was speaking about.

**The Speaker:** I would also call to your attention that when the Speaker stands all should sit. I thank you for that and please continue.

The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** Mr. Speaker, all I am saying is that you have referred to the Deputy Speaker . . . and I

think what you are doing is unprecedented in any event . . . but nevertheless you have not taken that position. You need to make it absolutely clear that what the Deputy Speaker was talking about when she mentioned a quorum was the fact that members were in this Legislative Assembly and there were four government ministers, at least, in your office.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Also to make it absolutely clear, I appreciate what you were saying, but bear in mind that at least six of us were sitting in the Common Room waiting for the Serjeant-at-Arms to come to us to tell us that you were ready.

So, the point about people being in the precincts and not in the chamber, in my view, sir, does not clarify the situation. It only reinforces what the Elected Member from North Side was saying. So, the fact that we were there ready to start and you are saying that sometimes people are in the precincts but don't come into the chamber has no bearing on what transpired this morning, in my view, sir, with the greatest of respect.

When the Serjeant-at-Arms came to us, he came to us saying that you wanted us in the committee room not in this Chamber. So we need to get that very straight.

Do you know something, Mr. Speaker? Perhaps at this point in time I think you grow tired of us because it has been going on and on and we just simply need to take the break. This is becoming very frustrating.

**The Speaker:** That's true words.  
The Elected Member for North Side.

**Mrs. Edna Moyle:** Mr. Speaker, being the woman that I am I can defend what I say in this Parliament. I really appreciate the First Elected Member for West Bay and the First Elected Member for George Town standing up for me. But I would like it to be very clear that I am quite capable of defending myself in this Parliament or anywhere else.

I said there was a quorum in this House. There were three members of government in your office. In my opinion it was deliberately delayed by those in your office until Mr. Roberts could arrive within these hallowed halls to be sworn in to make a majority so that they could get an adjournment.

If I have to be named and leave this Parliament, sir, I am prepared to do that, because that is my opinion and that is my belief that this is why Parliament was delayed until 11.30 a.m. this morning.

**The Speaker:** I shall not further the debate. I shall write to you.

I shall now put the question that this Honourable House do adjourn until 10.00 a.m. on July 10<sup>th</sup>. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**Hon. Julianna O'Connor-Connolly:** Can we have a division, Mr. Speaker?

**The Speaker:** Certainly, Madam Clerk, would you call a division please.

**The Clerk:**

**DIVISION NO. 8/2000**

**AYES: 7**

Hon. Donovan Ebanks  
Hon. Adam Roberts  
Hon. Joel A. Walton  
Hon. John B. McLean  
Hon. Anthony S. Eden  
Hon. J. O'Connor-Connolly  
Miss Heather D. Bodden

**NOES: 6**

Mr. W. McKeever Bush  
Mr. John Jefferson, Jr.  
\*Mr. D. Kurt Tibbetts  
\*\*Dr. Frank McField  
Mr. Roy Bodden  
Mrs. Edna Moyle

**ABSENTEES: 4**

Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Mr. D. Dalmain Ebanks  
Mr. Linford Pierson

*\*Mr. D. Kurt Tibbetts: A thousand Noes.*

*\*\*Dr. Frank McField: A thousand Noes.*

**The Speaker:** The result of the division: seven Ayes, six Noes. This Honourable House stands adjourned until 10.00 a.m. July 10.

**AT 12.17 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 10 JULY 2000.**



**EDITED  
MONDAY  
10 JULY 2000  
10.15 AM**

*[Prayers by the First Elected Member for George Town]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have apologies from the Honourable First Official Member who is presently on vacation and the Fourth Elected Member for West Bay who is sick.

Item number three on today's Order Paper, Questions to Honourable Members/Ministers. Deferred question 21 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 21**

**No. 21: Mr. Roy Bodden** asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works when the road now called "Harquail Bypass" will be changed to its official name.

**The Speaker:** The Honourable Minister for Tourism Commerce Transport and Works.

**Hon. Thomas C. Jefferson:** The renaming of the Harquail Bypass is being considered by Executive Council.

**SUPPLEMENTARIES**

**The Speaker:** Supplementaries. The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister tell the House what is the delay with it being considered by Executive Council when the Assembly has already given assent and approval?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, the Gazzetal of the names of all roads in the Cayman Islands is before Executive Council for consideration. That is the only answer I can give at this present time. These matters are being considered by Council and as soon as they take a

decision then we will be in a position to say something differently.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the Minister say what name is being considered by the Executive Council at present?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, the list of roads begin from A to Z in essence, and what is being considered is all of the commitments that the Government has agreed to included the Esterley Tibbetts Driveway or Parkway, whatever we call it.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Would the Minister say whether or not the Government is considering renaming the Harquail Bypass the Esterley Tibbetts Highway?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, I thought that was what I did say. The matter is being considered by Executive Council.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the Minister say if there is any idea at all when this should come before Council?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I thought I did say that the matter is before Council for consideration. So, it is presently before Executive Council.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Well then, can the Minister say if he has any idea when a decision will be taken—how long from now?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Matters that are presented to Executive Council for consideration can take a week, two weeks, or a longer period of time. I am aware that if you say something in this House that is based on your own opinion and it turns out to be wrong that members could say that I have misled this House. I am not about to do that this morning.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the Honourable Minister explain exactly the procedure takes place in this specific instance when a Private Member's Motion brought to the Legislative Assembly regarding the renaming of the Bypass was passed by the legislature unanimously? What is the procedure that supersedes passage of that motion to get the name put to the specific road that we are talking about?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** As I recall the motion asked for Government to take the necessary action to rename this particular road and in order to accomplish that it needs to go to Executive Council. A street naming committee has been established for several months, maybe as far back as last year. They also have a number of roads that they have renamed. I know there are several in West Bay and I think there are several in George Town and many other districts. So, all these matters together are presently before the Executive Council for approval. Following that these names will be Gazetted and then the signs will be changed on the respective roads.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** So, if I understand the Minister correctly, and if he would just follow me to make sure that I am clear in my understanding, the motion having been passed and the Government having accepted the motion, there is no question then that that is what the name of the road is going to be. The only question arises as to when it is going to happen. Is that correct?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The only other area in it, Mr. Speaker, is that there needs to be in this whole process a section 5 declaration. Prior to establishing Phase 1 of the Harquail Bypass there was a declaration of section 3 under the Roads Law which allowed the Government to move forward and to construct the road. A section 5 declaration basically says that it is then a public road and all the matters that need to be settled are settled and

following that the process would be similar to what the First Elected Member for George Town is saying.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** If I am following what the Minister said, the Harquail Bypass is not yet gazetted because as a rule Executive Council looks at what is gazetted. But I don't know that they were looking at names of roads as I thought that was something Lands and Surveys did.

Can the Minister say if the Harquail Bypass is gazetted and whether, in fact, it is not the duty of the Lands and Survey Department to name roads?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, I did make mention of the fact that there is a committee established for the naming of roads. That committee is established under the Lands and Survey Department. The Lands and Survey Department also deals with the gazetting of declaration whether it is section 3 or 5. Section 3 has already been done but section 5 is the closure of this entire matter, which makes it legal in all respects.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister tell the House in the specific case of the Harquail Bypass whether there are any other encumbrances experienced in the naming of this road as was passed by the Legislative Assembly other than the inability of the Executive Council to deal with the matter to date?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I don't know that I can speak to the inability of Council to deal with the matter. Council deals with many matters that are necessary in its duty under the law and under its duty of policy making. I am not aware of any other item that would be an obstacle (if that is what the Member is referring to) to this process. But Executive Council needs to take a decision on it before I can actually say it is done.

**The Speaker:** The First Elected Member for West Bay. Two additional supplementaries after this.

**Mr. W. McKeever Bush:** This will be my last one.

During the debate on that motion it was announced that Government had proposed to name that particular road after the previous Governor. Can the Minister say what has happened to that decision, whether that is also being considered along with the name proposed by the legislature?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** As I said earlier, there isn't any obstacle in the approval that was granted by this Honourable House. I am not aware of anything that is hindering the Council from doing so and the matter referred to by the First Elected Member for West Bay, certainly that name is not interfering with the name that was approved by this Honourable House.

**The Speaker:** We will move on to question number 22 standing in the name of the Third Elected Member for Bodden Town.

## QUESTION 22

**No. 22: Mr. Roy Bodden** asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works to state the Department of Tourism's advertising campaign for the upcoming winter season.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The Department of Tourism has, over the past several years, used not simply advertising but an integrated mix of communications' services at all times and in all seasons to support business initiatives. These would include efforts made in the Spring and early Fall with a strong public relations programme via the Visiting Journalists programme, which will be further supported by the media online website now under development.

This site, now in its final stages of refinement, will allow the destination to proactively provide editorial content as well as online images in real time to journalists around the world. Journalists will be able to access it in English, Italian, Spanish, German or French. These public relations' efforts drive business in the future seasons, i.e. winter and beyond given that feature stories and articles tend to come out six to twelve months after the visit.

Additional to that are the ongoing efforts of marketing staff in all areas within which we have officers or representative agencies which are carried out with travel trade and consumer promotions.

Concurrent with that are the efforts with wholesale/tour operator partners in all markets with newspapers and other advertising which are designed to propel business.

Major strides have been made with online travel service providers. A rapidly expanding element of the integrated communications programme is the online marketing programme which has evolved significantly since the launch in October 1998 of the first web site.

The Cayman Islands Department of Tourism has two official consumer websites located at [www.caymanislands.ky](http://www.caymanislands.ky) and [www.divecayman.ky](http://www.divecayman.ky).

[www.caymanislands.ky](http://www.caymanislands.ky) is a destination specific website which provides the consumer with a comprehen-

sive source of tourist information. The second and newest website is [www.divecayman.ky](http://www.divecayman.ky). This scuba diving specialty website provides tourists with an interest in scuba diving with comprehensive information on diving in the Cayman Islands. Both sites have experienced very strong visitor traffic. They can be found on search engines including [www.yahoo.com](http://www.yahoo.com), [www.travelocity.com](http://www.travelocity.com), [www.infoseek.com](http://www.infoseek.com), [www.altavista.com](http://www.altavista.com), etc.

Both consumer websites feature information and website links to the accommodation sector and services in the Cayman Islands. Both consumer websites are advertised in our print advertising campaigns and in all of our collateral pieces in all markets.

Within that context numerous initiatives for the upcoming winter season are underway. Traditional advertising efforts for third and fourth quarter of this year includes print advertising such as newspapers and Travel and Lifestyle magazines in all markets globally.

During the main "active winter months" of the United States, there advertisements are scheduled for The Weather Channel as well as print advertisements in publications that support niche markets of Scuba diving/snorkelling, Weddings and Honeymoons along with Eco-travel and the incentive market.

Billboards strategically placed in high-density travel markets in the United States will support these initiatives. The Department of Tourism has also entered into a series of co-op advertising programmes with the local private sector, both dive and consumer with wholesalers and tour operators in the United States, Canada and Europe.

In the overall, a range of efforts are in place to proactively push business for the upcoming winter season and beyond.

## SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister tell the House which of these websites are established and managed from the Cayman Islands?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, both are managed from the Cayman Islands.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Is the Minister in a position to tell the House whether there is any monitoring of the websites to see how many times they have been visited and can he also tell the House how often the websites are updated?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, the first website is presently being updated in a major way. The updating of information is done as is necessary, perhaps on a weekly basis or earlier if the need arises.

The second website is a relatively new website and there isn't any a major updating exercise necessary other than to keep the information on both sides current and accurate.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I noticed there has not been much mentioned of some of what I would term traditional forms of advertisement, that is, television through the commercial stations other than what the Honourable Minister said about the Weather Channel. Also, there is only scant mention about advertising in journals.

Could the Minister enlighten the House as to whether there has been a de-emphasis on this or whether we are still continuing to utilise the traditional sources of advertisement in addition to the websites?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** It is necessary in a general election year in the United States that we look at the most effective way of utilising the funds provided by this Legislative Assembly for the Department of Tourism. We know that in a general election year advertising on television is a very expensive way of getting your message out and we do know that the market itself is changing substantially from television advertising to more of a public relations aspect to the use of technology online, searches for information on various destinations that are seeking to attract the consumer to their island or country.

We have continued to utilise the same sources as we have done traditionally but with greater emphasis on newspaper advertising and online services. The newspaper advertising is done more in a co-op way with wholesalers, airlines and tour operators because in essence it is a call to action to the consumer. It is a package that is stated in dollars which will deal with the accommodation as well as the air travel. While we do continue to create an awareness of the Cayman Islands by television, whether it is on the Weather Channel or other channels that we advertise on, we feel that the way we are dealing with it at the present time we have to take into account the environment and the market in which we are working.

We have to take into account the prices that are being charged and how is the best way of achieving our objective with the most cost-effective way of spending our money. So, in the year 2000 that is what we are focusing on. As far as the television is concerned we feel it is not the most effective way of getting your market information across although you cannot divorce yourself from it completely.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the Minister say whether he is spending more this year on advertising or less?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** We are not spending more, we are spending it with a different mix between printed advertising, be it glossy magazines or newspaper, some television ads, some newspaper ads in conjunction with the local partners and in conjunction with wholesalers and travel agents among others.

So, it is not that we are spending more, meaning more than what the budget suggests, but we are sending the message in different areas or using different vehicles to get the message out which we feel is the most effective way of doing it. It is an integrated system rather than depending solely on television and the magazines. In the past we have not spent as much money advertising in the newspaper and we find that the changing market suggest that we should re-focus or re-visit that particular decision. So, in the year 2000 we have made some change in that respect.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the Minister say what sort of rule has been applied to determine what is the best advertising, whether it is television or this new way he has outlined? I should add, sir, how effective has it been since 1998?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, periodically the advertising agency which is the body that does most of the research for us carries out the necessary research to determine the best way of spending the money to be more effective in attracting visitors to our shores. Through this methodology and through the cost of producing a message we took the decision to deal with the advertising and public relations programme.

The effectiveness is in terms of the contribution to the economy of this country. That effectiveness has shown well over the last seven or so years. We have periodic difficulty like everybody else. When you can jump on a plane in New York and go to Europe for \$400 return trip that is the competition you have to deal with and sometimes all the advertising in the world won't change that individual's decision but we have to continue to try.

**The Speaker:** If there are no further supplementaries, moving on to question number 28 standing in the name of the Third Elected Member for Bodden Town.



## QUESTION 28

**No. 28: Mr. Roy Bodden** asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources what steps are being taken by the Government to prevent the infestation of the Cayman Islands of formosa termites?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** To the best of our knowledge the formosan termite (*Coptotermes formosanus*) has not yet been introduced into the Cayman Islands. There are, however, no specific programmes in place to prevent the introduction of Formosan termites.

The Department of Agriculture conducts inspections of plants that enter the Cayman Islands in order to detect and prevent the entry, establishment and spread of new plant pests and diseases. Termites are an occasional pest of agricultural crops, especially fruit trees and officers may be able to detect their presence by mud tunnels that are visible on plant stems, branches or trunks. However, termites tend to be transported geographically while hidden within lumber, wooden pallets and wood based packing materials. These items are not subject to inspection by the Department. If plants are infested with pests or infected with diseases, samples are taken for reference and identification. Depending upon the level of infestation or infection and the type of insect or disease problem identified, the consignment is either treated with a recommended pesticide or seized and destroyed.

## SUPPLEMENTARIES

**The Speaker:** Supplementaries. The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Seeing that these termites were primarily transported by wood, lumber and related products would the Minister undertake to inform importers that this may be a potential hazard as I have shared with the Minister the fact that these termites are serious pests particularly in the Southern United States and areas which importers and merchants in the Cayman Islands import stuff, running from Louisiana right up to Florida and Georgia.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** Mr. Speaker, I would like to acknowledge the information which was passed on by the Honourable Member and to say, yes, the Department will do all in its powers to make sure that we prevent this infestation if at all possible.

**The Speaker:** If there any further supplementaries we will move on to question no. 29 standing in the name of the First Elected Member for West Bay.

## QUESTION 29

**No. 29: Mr. W. McKeeva Bush** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation the ministry recently had an audit done on Public Financial Assistance. Can the Honourable Minister say how many people who receive assistance did not fall within the guideline at the time of the audit; how many of those persons, if any, have ceased to receive such benefits; and whether the Financial and Stores Regulations were breached.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** In order to answer part (a) of this question, it is appropriate to supply background information on the Internal Audit Department's Report on the Public Financial Assistance Programme.

The Internal Audit Department's Report on the Public Financial Assistance Programme was tabled in this Honourable House on 6<sup>th</sup> August, 1999. This Audi was requested in November 1997 when the subject of Social Welfare was given to my Ministry. I requested my Permanent Secretary to arrange the audit in order to understand the status of the programme. In addition, I felt that any recommendations coming from this Report would assist the Ministry in the future administration of the programme.

All aspects of the Public Financial Assistance Programme were covered, with particular emphasis on the systems that were in place, at that time, for the dissemination of information on the programme, the processing of applications, the financial assessment of applicants, the approval process and the payment of Public Financial Assistance (either by cheque or by deposit into a bank account).

This involved the interviewing of staff from both the previous Ministry, and my Ministry, along with the selection and examination of a random sample of 175 actual application forms. The 175 application forms represented 25% of the total number of persons receiving the assistance. In addition, letters were sent by mail to various Banks requesting them to confirm that the bank account number given on the application form was indeed the account number of the named applicant.

A definite answer could not be given to part (a) of the question which asks, and I quote "how many people who receive assistance did not fall within the guidelines at the time of the audit" since only a sample of 175 was actually examined.

With respect to them falling within the guidelines, the general finding of the Internal Audit Department's Report on Public Financial Assistance was that the basic criterion of "need" was generally overlooked in the assessment of the persons who at that time were the recipients of Public Financial Assistance. I quote from the Section of the Report which is entitled "FINDINGS" and which was tabled in this honourable House:

**“Although excerpts from both Hansard and Finance Committee state that financial assistance will be given to disabled and handicapped persons who have no means of support, and to persons aged 60 and over who are in need and do not receive a pension or any income, the original application form did not ask the kind of in-depth questions that would provide the financial information necessary for a proper needs assessment of the applicants . . . In addition, the present application forms do not place sufficient emphasis on the importance of need as a critical factor in the approval of Public Assistance for an applicant. This is clearly shown by the exclusion of this important criterion (i.e. need) from the heading on the present application form which reads : “Financial Grant to the Elderly - 6- years and over, Disabled and Handicapped Persons.”**

In reply to part (b) of the question which asks, and I quote “how many of those persons, if any, have ceased to receive such benefits,” no one has yet been removed from this list, as the Department of Social Services has first had to deal with a list of over 300 new applicants for Public Financial Assistance. The list of all recipients along with their records was handed over to the Department of Social Services when Public Financial Assistance was returned there in April 1999. Reassessments were started this year and the Department is reviewing those that have so far been reassessed.

In reply to part (c) whether the Financial and Stores Regulations were breached, I am pleased to report that the Internal Audit Department’s Report stated that all payments and receipts of Public Financial Assistance that were examined in the sample of 175 were done in accordance with Financial and Stores Regulations (FSRs).

### SUPPLEMENTARIES

**The Speaker:** Supplementaries. The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the Minister confirm that the Department of Social Services only dealt with the matter of financial assistance in April of last year?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Yes, Mr. Speaker, that is when it came back to us.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, from August or November 1997 to April 1999 what was the position? Who dealt with financial assistance?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, it was at my ministry at that time.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the Minister say what was the process?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** As the audit was going on at that time unless it was something very urgent we would immediately refer it to Social Services.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** One of the things that I am concerned about is the amount of time it takes the department to assess, process and arrive at a decision. I wonder if the Honourable Minister can say what is being done to expedite this process.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** If a situation arises that there is an urgent application we will try to expedite this. Normally some of the additional features are to check on bank accounts as well as property searches at the Lands and Survey Department.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** As the question said that a definite answer could not be given to part (a) of the question (which asked how many people who receive assistance did not fall within the guidelines at the time of the audit), would he say how many out of the sample did not fall within the guidelines?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** The auditor actually did not say how many people fell into that category.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Would the Minister agree then that it is safe to assume that if the Audit Department had found any way out [number] then that should have been reported?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, I tend to agree with the Member.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, with regard to questions asked by the Third Elected Member for West Bay, I would like to find out from the Minister what are the specific reasons they do the bank account search before making the decision to give the support, if that could not be done afterwards. If the person did give wrong information then they would be in breach of the law in any case.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** The understanding I have is if the people gave incorrect information, it would be a case where we would have to clear it up through the court system and we would not want to get into that. The feeling is that we would prefer to deal with it before hand.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would like to find out from the Minister why there is the feeling that they would like to deal with in this way when there are so many cases that are brought to their attention where people really need assistance urgently and the bureaucratic delay causes unnecessary hardship for these individuals.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, assistance would be given on a temporary basis if there is an urgent call for this until everything is established.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the Minister say how you determine the urgent cause when the whole idea is to do the investigation before determining whether or not the assistance would be given? How would deciding on the urgency be any different than the process of deciding on whether or not the person would actually get the permanent type of assistance?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** I am made to understand that during the preliminary assessment there can be a determination as to the urgency of the need for the assistance.

**The Speaker:** Two final supplementaries. The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** As a follow-up to my previous question, I wonder if the Honourable Minister can say how many applications are now pending? On average, how long does it take for an application to be processed?

#### **SUSPENSION OF STANDING ORDER 23(7) AND (8)**

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Honourable Minister before you answer I would appreciate if you move a motion for the suspension of Standing Order 23(7) and (8) in order that we can continue beyond 11.00 a.m.

**Hon. Anthony S. Eden:** I so do move the suspension of the Standing Order.

**The Speaker:** I shall put the question that Standing Order 23(7) and (8) be suspended in order that question time may continue beyond 11.00 a.m. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. Question time continues.

**AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED.**

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, the total number is 338. Eighty-three of them have been assigned for assessment.

**The Speaker:** The Elected Member for North Side.

**Hon. Anthony S. Eden:** Sorry, Mr. Speaker, that is 83 pending.

**The Speaker:** Do you have a follow-up? [referring to the Third Elected Member for West Bay]

**Mr. John D. Jefferson, Jr.:** There were two parts to that question. The second part was on average how long does an application take?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, the assessment now takes between three or four months.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Would the Honourable Minister say what factors are taken into account in determining that a

person is in need as was given by the Finance Committee recorded in the *Hansard* and as reported in the Auditor's Report?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Criteria for the services are that all persons seeking financial assistance from the department must be assessed to determine the level of need. It must be ascertained that the persons cannot meet their basic needs. All support from family and friends must be identified.

Adult children are responsible for maintaining their elderly or disabled parents and grandparents as such contact will be made with all adult children and adult grandchildren to ascertain what assistance they can provide to their parents or grandparents. All information that is shared must be confirmed with the relevant persons employer and agencies prior to assistance being granted.

The following information must be provided:

- ◆ Medical certificate in cases where the person is seeking help due to ill-health or disability.
- ◆ Place of employment and length of time at this job. A copy of a salary slip must be provided, if applicable.
- ◆ The name of the employer. The information provided must be checked for accuracy and confirmation of salary if applicable.
- ◆ Bank accounts and bank statements.
- ◆ Copies of utility bills must be provided.
- ◆ Other sources of income—this includes income from rental properties, family contributions, other pensions, social security, regular contribution from churches or service clubs.
- ◆ In cases where the applicant is a young person seeking help on ground of disability, the department will need to ascertain whether they are receiving support via maintenance payments for any child/children he or she may have.
- ◆ If the applicant is separated or divorce from the other parent of the child/children, land titles or certified copies.

**The Speaker:** The Fourth Elected Member for George Town. This will be the final supplementary.

**Dr. Frank McField:** I would like to ask the Minister whether or not any efforts have been made by the department over the period that they have been dealing with this type of assistance to create an abridged version of this survey that needs to be done each time a person is being considered for financial assistance.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, at this time this is the process for permanent financial assistance. If it is short term, it is looked at in a different light.

**The Speaker:** No more questions please.

Item number 4 on today's Order Paper, Other Business, Private Member's Motion No. 14/2000, Public Education System.

The Third Elected Member for George Town continuing.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 14/2000

##### PUBLIC EDUCATION SYSTEM

*(Continuation of debate thereon)*

**Mr. Linford A. Pierson:** Mr. Speaker, on the adjournment of the House on Friday, 23<sup>rd</sup> June 2000 (some two weeks ago), I was speaking on Private Member's Motion No. 14/2000 on the subject of the Public Education System. Because of the time that has elapsed it is my intention to briefly summarise the points I raised in my debate for the sake of continuity.

Before doing so, with your further permission I wish to briefly explain to the listing public and also for the *Hansard* of this House the reason for the two week delay.

**The Speaker:** Please continue.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker.

To start with let me positively state without fear of successful contradiction that the single most important issue facing the Cayman Islands today is the international and global initiatives of the OECD, which means the Organisation for Economic Co-operation and Development; the FATF, which means the Financial Action Task Force, and the FSF, which is the acronym for the Financial Stability Forum and, of course, any related initiatives.

Mr. Speaker, it is my submission that these international initiatives are much more important to these islands at this time than coming into this Honourable House to debate motions or to answer parliamentary questions. I say that on the basis that as a jurisdiction if we do not make a move to resolve these international issues in a mutually satisfactory manner that there will be no purpose for us to attend meetings of this Honourable House.

This said, Mr. Speaker, I find it somewhat incredulous that whilst the five-man negotiating team comprised of the Honourable Minister for Education, the Honourable Minister for Tourism, the Honourable Second Official Member, the Honourable Third Official Member, and me were off the island negotiating these very important international issues that there should have been such a furore in this Honourable House as I read in Thursday's issue of the *Caymanian Compass*.

Whilst I do not question the democratic rights of any Member of this Honourable House, that right must carry with it a certain level of responsibility. I repeat that it is my opinion that the Business Paper of this Honourable House is as important to these islands at this time as these initiatives I have just mentioned. I will go further to say that I support the decision to adjourn this Honourable House during that period as the five-man negotiating team should be afforded an equal opportunity to debate and otherwise participate in all issues coming before this Honourable House.

Rather than be shown in a bad light, as was done here last Wednesday and reported in Thursday's paper, I feel it would have been much more reasonable for those honourable members who took the opportunity to do that to properly advise the public of what was going on.

Mr. Speaker, it could be said that the remarks made by various members on Wednesday were levelled against the elected members of Executive Council. I don't buy that sort of reasoning because it has been understood from the initial appointment of the five-man negotiating team that each Member was regarded as an equal partner. We did not have four members of Executive Council with me as on the backbench of that team. That position was reiterated on a number of occasions. I would not have had it in any other manner, Mr. Speaker, because I do in fact accept myself as an equal Member of the team.

I find it insulting that any Member of this House would suggest that the business of this House should be carried on without allowing me the opportunity to speak on any issues coming before this Honourable House. If we had been away on a vacation I could understand the attitude but we were away carrying out very important Government business and there is no reason why any Member of the House should be deprived on his right of dealing with the issues coming before this Honourable House.

Mr. Speaker, I will not stand by and allow the wrong message to go out to the listening public in this regard. I find that the vitriolic attack on the five-man—

**Dr. Frank McField:** Mr. Speaker, on a point of order.

**Mr. Linford A. Pierson:** If this Honourable Member has a point of order I will sit down, otherwise I would ask him to just sit and speak when his opportunity arises.

**The Speaker:** Please state your point of order

**Dr. Frank McField:** Mr. Speaker, on a point of clarification is the Member speaking—

**Mr. Linford A. Pierson:** Mr. Speaker, that is not a point of order, with respect.

**The Speaker:** [addressing the Fourth Elected Member for George Town] Please sit.

Continue the Third Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, you have not heard my point of order!

**The Speaker:** I cannot allow clarifications at this time. Let the Member speak and then I will deal with you.  
The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Mr. Speaker, I find it completely unreasonable that there should have been such a vitriolic attack on members that were carrying out some of the most important business that's facing this country at this time. It was totally unreasonable, and that is my opinion.

On the question on a lack of communication, I can only say that there was very little time available for briefing members. Just to show you that we were not away 'cocking up' our feet as some members like to say in this House, we arrived in London on Monday morning, I think it was, and that same afternoon notwithstanding the jet-lag we were having meetings with members of the Treasury Department trying to do our best for this country. We were not having a holiday. When we left there we went to the OECD in Paris. We got back here on a Saturday afternoon on the holiday weekend, the Monday was a holiday but where did we spend it? The five members of the negotiating team spent it in the Executive Council room from around 9.00 a.m. to about 8.00 p.m. in the evening. I am speaking on this to show why it was necessary for two weeks to elapse.

That is the relevance and I have cleared this point with you, Mr. Speaker, but I will be closing on that point in a minute. I think I have made my point.

Some people can give it but they cannot take it and many of them have not heard me in recent times defending myself in this House. But I guarantee that I am capable of doing it as well as any other Member when the time comes.

**A Member:** Mr. Speaker, war has been declared!

**Mr. Linford A. Pierson:** Just to say in closing on that particular point of clarification that because of the holiday on Monday and the fact that we worked through the holiday, the only time that we had available was the Tuesday morning because we left for Washington on urgent business with the State Department, the Department of Justice, Securities and Exchange Commission and other important sections of the U.S. Government in discussions relating to this country.

On that Tuesday morning, around 7.30 a.m. in the morning, I did in fact call the First Elected Member for George Town and I advised him what was happening.

I can only hope that since so many members have expressed their desire to have the business of this House conducted as expeditiously as possible that there will be no objections to staying here until 8.00 p.m. in the evenings to have that done. I will also have my right to speak on that when it comes.

Mr. Speaker, with that said, I now wish to turn my attention to Private Member's Motion No. 14/2000, which deals with the Public Education System.

When the House adjourned on Friday, 23 June 2000, I had covered a number of issues I believe impact directly on our public education system. In my contribution I pointed out:

1. The structure of the public education system as regards the various subjects and sets into which the system is divided.
2. Placement within the various sets is based on performance.
3. Historically, on average, only some 15% to 20% of students will qualify for tertiary education whilst the other 80% to 85% will move into vocational and the technical stream.

Mr. Speaker, I am the first to admit that some of the 80% - 85% have unfortunately fallen through the cracks. I also pointed out that although every effort must be made to assist the 10% or so who may fall through the cracks, that this problem should not be viewed as being just a Caymanian problem, one that is solely peculiar to the Cayman Islands; or more so, one that is reflective of an inadequate education system.

Mr. Speaker, the problem of those falling through the cracks can be properly attributed to many factors. Those factors emanate not only within the school system, it is not just a systemic problem within the education system but carried over in many cases from the homes.

I also touched on the National Curriculum that is now being developed under the direction of Mr. Herbert Crawford, which I also understand is now being implemented at the primary school level.

I believe in my contribution on the 23<sup>rd</sup> June (which I am summarising for the sake of continuity) perhaps the most important area that I touched on was that Private Member's Motion No. 14/2000 basically reflects the intent of Vision 2008, our National Strategic Plan, or the people's plan as it is commonly called. I further pointed out that it would be difficult and even inconsistent for Government not to accept this motion since they had given their full support to the National Strategic Plan of Vision 2008. Conversely, the motion could be regarded as somewhat redundant since the education strategic plan of 1995 called for a periodic review of the education system, which it is my understanding that since its introduction in 1995 has been reviewed on a number of occasions and completely rolled over in 1999.

I referred to the fact that Government has an obligation to develop not only the public education system but indeed all aspects of these beautiful islands in accordance with the National Strategic Plan or Vision 2008 Plan.

Mr. Speaker, the recitals were **"WHEREAS in any rapidly developing country the level and diversity of education offered by the public system is of vital importance;**

**"AND WHEREAS it appears that the educational demands created by the rapid economic development in the Cayman Islands are not being adequately met by the present system;**

**"BE IT THEREFORE RESOLVED that the Minister of Education, acting under his constitutional re-**

**sponsibility to deliver policy in the area of education, set out a properly prioritised plan, including costs and specific timing of implementation to address the present needs in the public education system."**

Mr. Speaker, if the National Strategic Plan is followed as it should be, and is not left to stagnate, the very resolution that is being put forward here in this motion would be satisfied under this plan. I make specific reference to Strategy 3 of the National Strategic Plan, which reads, **"We will support an educational system which identifies and develops the abilities of all persons encouraging them to realise their full potential."**

Within this strategy are all the necessary procedures and action plans to satisfy the requirements of the resolve section of this motion and to provide an educational system that satisfies the needs of all our people.

Action Plan 1 of this strategy reads, **"To identify and implement those parts of the Education Plan that still need to be implemented."** A resolution, just to show the connection of this motion as for Government to deliver a policy in the area of education to set out a properly prioritised plan including cost and specific timing of implementation, almost identical to the action plan under strategy 3.

Mr. Speaker, I am submitting that it would be a good idea for us in this Honourable House to try to comply as far as possible with the National Strategic Plan when we are considering bringing motions to this House so that the motions can indeed be consistent with this plan as we have here before us. Private Member's Motion No. 14/2000 is indeed consistent with strategy 3 of the plan.

Mr. Speaker, I would further like to review to Action Plan 5, which reads, **"To provide programmes that will allow all persons, outside of the regular school system, to realise their full potential."** This is basically what the motion is talking about—the 80% to 85% that are coming out of our school system, some of whom are falling through the cracks.

There are provisions within this National Strategic Plan, the people's plan, Vision 2008, to address those issues. Under this Action Plan 5 there are some very important guidelines. Action Steps 1 to 6 covers the meat of Action Plan 5. The first action step is:

- 1 **"To utilise local and overseas resources to identify programmes for persons, such as the**
  - a) **Under fives**
  - b) **High school drop-outs"**

And this covers many of those falling through the gaps that do not take advantage of the twelve years of public school education. It also covers: youth at-risk, special needs persons, Prison inmates and even our senior citizens.

In Action Step 2, it says, **"Survey and identify, with regards to education, the needs and/or interests of persons. (Such as those listed in Step 1)"** It goes on to state the procedure that should be followed to ensure that these action steps are effectively implemented. So, if this plan is not less left in file 13 to gather dust then we do, in fact, have a guide not only for the educational

system in these islands but the policy has already been put in place, it is just a matter of having it implemented.

Mr. Speaker, our greatest concern seems to be on the question of those that fall through the cracks. I would also like to mention that this issue was also addressed in the National Strategic Plan. On page 19 of the *Key to the Future*, which is *A Guide to the National Strategic Plan*, the main heading of this section here is youth development strategy. The sub-heading is "Preparing our youth for the 21<sup>st</sup> Century" and it covers—with cross references to the necessary strategy and action plan in the main National Strategic Plan—the procedures that should be followed in addressing these issues. It covers such issues as providing youth with the tools to achieve a fulfilling personal life will require, for instance, an optimal education system, appropriate guidance, the right of preparation, et cetera. It also addresses preparing our youth for an active role in the work place and it tells you what that will require. It is all here, very clearly set out in this guide to the National Strategic Plan. It even touches on the issue of setting the youth on the right path for satisfying family life and community life.

Mr. Speaker, I will refer any Member of this Honourable House that may have a question on our educational system to just take the time to read these issues that have already been provided for us in our National Strategic Plan.

Mr. Speaker, during the debate on this motion thus far, I have heard members speak of the problem of illiteracy in these islands. I am not going to underplay this problem. There is a problem in this country. I am aware that the problem has existed for many, many years. As I mentioned here on the 23<sup>rd</sup> when I started speaking on this motion, I was in a very strategic position to be able to analyse this problem as the former Principal Secretary for Health, Education and Social Services. The situation has continued and perhaps due to the increase in the school population has exacerbated over that period. Unfortunately, there are a number of students that are leaving school that are illiterate. That is the sad fact of life and it is these individuals that urgent attention must be focused on. But what I am saying, Mr. Speaker, is that the National Strategic Plan, the people's plan, has identified many of those problems and it is just left for this plan to be properly implemented in order to satisfy those requirements.

Mr. Speaker, we live in a very small and sometimes insular society. Sometimes we are truly an island. Some of us do not understand that we are a part of a much bigger global world. I say that to say this that we should also attempt to understand what obtains in even some of the more industrialised and developed countries such as the United States of America and indeed our mother country, the United Kingdom.

Mr. Speaker, in researching this motion, I decided to look at those countries—countries that we many times use as paragons of virtue as examples in so many ways. Recently I read where the United States is now considering adding an additional year to the junior high school because of the very problem that we are experiencing

here with our dropouts. It is going to be called a transitional year so that hopefully within that year students can be brought up to a satisfactory standard to move on to senior high school and then on to tertiary education depending on their abilities.

Mr. Speaker, like some of my colleagues here in this Honourable House, I also do a lot of reading because I find a lot of comfort and knowledge in reading. I am a subscriber to *The Economist*, and in the June 17 - 23, 2000 issue I saw an article in there on education. This was dealing with the educational system as it obtains in the UK. It is captioned 'The uses of literacy' and it states **"Two international reports this week—on literacy and child poverty respectively—make depressing reading for Britons."**

The article commences and I quote, **"On June 14<sup>th</sup> the Department for Education and Employment advertised for a Director of a new 'Adult Basic Skills Strategy Unit'. The unit is expected to develop and implement a national strategy to tackle poor literacy and numeracy among adults. By coincidence on the same day the Organisation for Economic Co-operation and Development published its latest report on 'Literacy in the Information Age.'"**

Mr. Speaker, by the way, it's not just financial matters that OECD is concerned with. Their tentacles spread very wide and they are dealing specifically here with education.

It goes on to say, **"This demonstrates only too well just how 'poor' literacy levels are in Britain compared with 20 other countries."** Now, I am not reading this to pull down the UK and I hope that anybody that hears the sound of my voice would not reach that conclusion. I am just saying that the UK has one of the highest standards of literacy in the world, yet, they are found badly wanting even when compared with some of the Scandinavian countries. And, I won't go into details but they did, in fact, give a list of the other nineteen countries that Britain was compared with. Of those twenty countries, Britain was number seven from the bottom.

Mr. Speaker, like the United States, Britain and many other countries, we have problems here in the Cayman Islands. I believe that this has been spoken of by a number of previous speakers, and we know this, we really don't need anybody to get up here in the House and say this because this is known.

Mr. Speaker, we also know that our education system has grown over the years and will continue to grow. This is why even with the educational strategic plan which came out in 1995 it was necessary to review it and to roll it over as we develop.

Rome was not built in a day. Neither will any part of our development be completed in one day. It is going to take time. As I suggested, that is precisely what Vision 2008, the National Strategic Plan, is contemplating. It is contemplating the growth rate of this country, the needs of this country, not only the educational needs but indeed the social and economic needs of this country as we continue to develop.

Mr. Speaker, in closing I wish to summarise just a few of the basic points that I have made on this motion. I reiterate that this is a worldly motion but one that Government should have no problem supporting since, in fact, and I have pointed that out many of the points raised in the motion are already contained in the National Strategic Plan, Vision 2008. The policy necessary is contained in this strategy plan and if the plan is properly implemented there should be no problem in moving our educational system forward.

I, therefore, trust that government will see it fit to support this motion as it is indeed consistent with Government's National Education Strategies and indeed with the National Education Curriculum that is now being developed.

Mr. Speaker, as mentioned, as the development of our public education system is a continuing process it is reasonable to assume that this subject must continue to be given top priority. With all of this, reality must be a part of the equation and whether government will be able to comply with the full details of the resolve section of the motion prior to the dissolution of this House in September is debatable. But that is not to say that an attempt should not be made to address this pressing and most important issue.

Finally, may I once again offer my support to this motion and in so doing commend the honourable mover and seconder for bringing it to this Honourable House. Thank you, Mr. Speaker.

**The Speaker:** Does any other Member wish to speak? The floor is open to debate.

This is the final call. Does any other Honourable Member wish to speak?

*[Inaudible comment]*

**The Speaker:** I was just going to give you an opportunity to study the amendment, that's all. The floor is open to debate does any Honourable Member wish to speak?

If no Honourable Member wish to speak would the Honourable mover wish to exercise his right of reply?

The First Elected Member for George Town.

#### POINT OF PROCEDURE

**Mr. W. McKeever Bush:** On a point of procedure here, Mr. Speaker, an amendment has just been given to us. Can you or the mover give some direction as to how we plan to proceed with this amendment?

**The Speaker:** I have done all the Chair is allowed to do. I have asked for honourable members wishing to speak and no Member has wished to exercise his right—

**Mr. W. McKeever Bush:** No, no, that's on a motion. I am talking about the amendment because precedence in the House—and I think you have sort of put this in place—is that when an amendment is moved or it is put to this House in any shape or form it is moved, and the motion

is amended, it is debated in that way. That's what you have been doing for several years now, I would say since you have been in the Chair.

So, I would like some direction as to whether that is going to change this morning or what is the position because it is a fairly substantial amendment.

**The Speaker:** My position has not changed. The floor was open at that time for the introduction of an amendment or to speak, whatever wanted to be done.

The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I would like to move the amendment to this motion which has been circulated and then I would wish to speak on it, sir.

**The Speaker:** I am extremely confused. I called and said it was the last call. I asked if any honourable Member wished to speak. The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I did not quite appreciate that. But, however, if I may refer you to section 25(4), it says here, "**An amendment to a motion may be moved and seconded at any time after the question upon the motion has been proposed by the Presiding Officer and before it has been put by him at the conclusion of the debate thereon.**" So, I was wondering in that case, as I had moved the amendment around, whether I could put the amendment as it seems that it was circulated just before.

**The Speaker:** I will have to take a short suspension because as I see it there is nothing in procedure that I can go back to it.

**Mr. W. McKeever Bush:** I think you are right.

**The Speaker:** We shall suspend for fifteen minutes.

**PROCEEDINGS SUSPENDED AT 11.57 AM**

**PROCEEDINGS RESUMED AT 12.30 PM**

**The Speaker:** Please be seated. Proceedings are resumed. When I suspended the House I said I would take the decision under consideration. Having the benefit of reading the *Hansard*, Standing Order 25(4) reads as follows, "**An amendment to a motion may be moved and seconded at any time after the question upon the motion has been proposed by the Presiding Officer and before it has been put by him at the conclusion of the debate thereon. When every such amendment has been disposed of, the Presiding Officer shall either again propose the question upon the motion or shall propose the question upon the motion as amended, as the case may require, and, after any further debate which may arise thereon, shall put the**



**question to the House or Committee for its decision.”**

Having read this, to the best of my ability I conclude that I call on the mover to exercise his right of reply in which case he has an option of either replying at this time and allowing the amendment to be moved at the conclusion of his debate or vice versa. But the amendment will be allowed after you conclude your debate and the question will be put on the amendment or the amendment as amended in accordance with Standing Order 25(4).

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Just to make sure I fully understand exactly what you are saying. As has been the usual practice in the past, the mover of this amendment can move the amendment now, debate the amendment, whoever else wants to speak; wind-up on his amendment and then I can wind-up the substantive motion.

**The Speaker:** Absolutely, that is what I am saying.

**Mr. D. Kurt Tibbetts:** Then I will take that course, sir.

**The Speaker:** I thank you.

The Honourable Minister for Education, Aviation and Planning do you care to move your amendment?

**Hon. Truman M. Bodden:** May I just ask you, Mr. Speaker, you did mention vice versa, does that also mean that I have an option after the winding-up but before you put the question under Standing Order 25(4) to also put the amendment after the winding-up, sir?

**The Speaker:** That is correct. If I am understanding you correctly, the Standing Orders are very clear that before I propose the question you have the right or any Member to move an amendment at any time prior to proposal of the question. So, you would have the right to move the amendment after but it will allow all honourable members to debate the amendment.

**Hon. Truman M. Bodden:** Okay, sir, I will take that option.

**Mr. D. Kurt Tibbetts:** So, Mr. Speaker, you offered me an option and I took it and the Minister of Education took the opposite option. Where do we go from there, sir?

**The Speaker:** I don't understand that.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, unless I misunderstood the Minister for Education, what you and I agreed on was that the Minister of Education would bring his amendment now before I wound up the substantive motion—as has been the practice in the past since you have sat in the Chair.

What the Minister has just said is that he wants to exercise his option to make me wind-up the substantive motion and then bring his amendment. That's what I un-

derstood you to just say, which is the opposite to what you and I agreed on.

**The Speaker:** As I read the Standing Order it says that assuming that the amendment is done last, at the conclusion of the amendment if it fails, the question on the amendment will be put as you wound it up. If it is amended, the question will then put as amended.

*[Inaudible comment]*

**The Speaker:** Well, we will take a vote whether the amendment is carried or failed.

**Mr. D. Kurt Tibbetts:** Yes, Mr. Speaker, so as has been the usual custom I have not commenced winding-up the motion. There is an amendment on the floor so it is quite in order for the Minister of Education then to move his amendment and debate and then I wind-up the substantive motion. Regardless of what the Minister might want to use the Standing Orders to say now that has been the custom and his amendment certainly cannot supersede the substantive motion.

**The Speaker:** Honourable Minister are you objecting to that procedure?

**Hon. Truman M. Bodden:** Mr. Speaker, as I understand it from both the Standing Orders and Erskine May, the amendment to the motion can be put at any time before you put the question on the substantive motion. At present, I need to get certain things here before I move this amendment and therefore I am opting—not opting, I am exercising my rights under the Standing Orders—that when the Honourable Member has finished his winding-up I will then be here and put the amendment on it. This is clearly borne out as well in Erskine May, where it says it can be put between the proposal and the decision on the motion.

So, it seems that notwithstanding that amendment can be put at the beginning, in the middle or it can be put at the end as I understand that, sir.

**The Speaker:** Yes, I fully understand that but my concern is if the First Elected Member for George Town waives his right of winding-up, he will be deprived the right to wind-up the motion if we put the amendment thereafter.

#### POINT OF ORDER

**Mr. W. McKeever Bush:** Mr. Speaker, on a point of order.

**The Speaker:** Let me hear your point of order.

**Mr. W. McKeever Bush:** I note that for some time since you have been in the Chair as Speaker we have been going the route that the First Elected Member from George Town has outlined and you agreed to do other-

wise now for the Minister for Education. Is it to say that the procedures have been handled wrongly, and I don't want to get into that at this point, Mr. Speaker. I think that procedure must be done right and we must stick to what the precedent has been. To change back and forward for one Member is to say that the House does not know what it is doing according to the Standing Orders.

**The Speaker:** The Third Elected Member for George Town, do you wish to speak?

**Mr. Linford A. Pierson:** Mr. Speaker, I note the point that was raised regarding Standing Order 25(4) but notwithstanding this, I believe it has been the practice of this House that when an amendment is brought to a motion that in order for the mover of the motion to properly address that proposed change to the motion that the amendment should be dealt with prior to his winding-up. It would seem that if we are to follow the practice of the House that the amendment should be dealt with prior to the mover of the motion being called upon to wind-up so that he can take into account the details of that amendment.

**The Speaker:** Having reviewed previous procedures of this House I have not come across any time where an amendment has been taken after the winding-up and before the question is proposed. The Standing Order is quite vocal on that but we cannot deprive the mover his right to reply.

Honourable members time is of great importance to all of us. I do not want to delay this Honourable House. I now call upon the Honourable Minister of Education, Aviation and Planning to move his amendment which has been tabled or if he wishes to withdraw his amendment. The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, for the sake of peace in this House and I guess to avoid the chaos we had on Wednesday, I will just go ahead and put the motion. But I would say, sir, it seems clear from both the Standing Orders and Erskine May that I have a right to put it immediately prior to your calling on the . . . you need to quiet down.

**The Speaker:** Honourable Minister, could you sit just one minute, please? I fully agree with what the Minister of Education has said, but in view of the fact that this is abnormal procedure, I now ask that you move it.

#### AMENDMENT TO

#### PRIVATE MEMBER'S MOTION NO. 14/2000

**Hon. Truman M. Bodden:** Mr. Speaker, I so do. I would like to move an amendment to Private Member's Motion No. 14/2000.

**The Speaker:** The amendment has been duly moved. Please speak to it.

**Hon. Truman M. Bodden:** Thank you, sir.

In accordance with the provisions of Standing Order 25(1) and (2), I, the Honourable Minister for Education, Aviation and Planning, seek to move the following amendment to Private Member's Motion No. 14/2000 as follows: By the addition after paragraph 2 of the following: ***"WHEREAS the Legislative Assembly unanimously approved the National Education Policies in the Five-year National Education Plan 1995 – 1999 which contains nine prioritised strategies and 105 action plans on the Education policies with each action plan stating the following:***

1. ***The date each action plan is assigned***
2. ***The date each action plan starts, and is due for completion***
3. ***The actual completion date***
4. ***The person/persons accountable for implementation***
5. ***The cost/benefit analysis of each action plan***

***and was revised three times in 1996, 1997 and 1999;***

***"AND WHEREAS the Five-year National Education Plan has been extended, updated and rolled over into the National Education Plan 2000 to 2005 and a new strategy with four action plans (which has not yet been costed or detailed) which incorporates Strategy 3 of the National Strategic Plan 1999 – 2008 (Vision 2008) which plan was approved by this Legislative Assembly."***

2. By the addition of the following at the end of the last sentence of the Motion: ***"in accordance with the Five-year National Education Plan 2000 – 2005 and the National Strategic Plan 1999 – 2008 (Vision 2008) section."***

I don't think that "section" is correct—I don't believe it should be in there, sir.

**The Speaker:** Do you wish to speak to it?

**Hon. Truman M. Bodden:** Yes, sir.

**The Speaker:** Please continue.

**Hon. Truman M. Bodden:** Mr. Speaker, the motion is now seeking to be amended by stating as follows on the resolve clause. So, the motion would now read: ***"BE IT THEREFORE RESOLVED that the Minister of Education, acting under his constitutional responsibility to deliver policy in the area of education, set out a properly prioritised plan, including costs and specific timing of implementation to address the present needs in the public education system in accordance with the Five-year National Education Plan 2000 -***

**2005 and the National Strategic Plan 1999 - 2008 (Vision 2008) section.”**

If this amendment succeeds then the motion can easily and happily be supported by Government.

Mr. Speaker, the National Education Plan was approved by this Honourable House and accepted and was updated on three different occasions and that deals with the question of policy on education. So that we do have in place not only a revised plan, revised in three different years, but also a new five-year plan which is the National Education Plan 2000 - 2005.

Secondly, the motion called for a prioritised plan including cost, specific kind of implementation and that is all clearly set out in the plan which the Legislative Assembly has approved. So, there can be no doubt that the policy is not only the policy of the Government but it is the policy of this Honourable House.

I will deal in some depth on youth because the National Strategic Plan has properly set out in Strategy 3 everything that members in this house have called for or attempted to call for. If there is one thing that we have in the education system is policy—a policy that is a national one and is approved by the Legislative Assembly not just by the Government. I am doing everything within my ability to carry out and see to the implementation of that plan.

Mr. Speaker, further we have not only the policy that is set out in the National Education Plan but we have also gone further down the line and we have site based plans for each school, which sets the National Education Plan in the local context while promoting and maintaining each school's individuality. The whole purpose of everything which has been put in place in schools over the past eight years is the school improvement. This is what the motion is calling for. However, it would not be right for me to stand here and say that the education system does not need to be improved, of course it does, and I have done just that.

These plans, the action plans, the site based plans are all towards ensuring improvement. That system will never be perfect and I am committed to continuing to improve it.

Mr. Speaker, I have statements made that the failure of the education programme has resulted in gangs, crime, single parents, poverty, resentment, unemployment and it on and on, is really the height of nonsense. Anyone out there knows that the education system is good for the country and I am surprised to here such detrimental statements being made in this Honourable House.

The mention of the National Education Plan—I think that was the Third Elected Member from West Bay—had frizzed out. Mr. Speaker, speaking to any teacher or parents knowing that this has been revised and updated three times makes it very clear that is also not correct. I must say I was very surprised further to see the oral attacks levelled at the school system. I guess the most I can do is to apologise on behalf of those MLAs who have levelled this at the teachers and the education system of this country. I guess it is a particular cross to bear for

those teachers and those in the process when members of this Honourable House get up and continually ignore the facts and go into the criticism that was made. I guess the extreme of that criticism shows why it should not be even thought about much less considered by members of the public.

Mr. Speaker, the National Education Plan is a phased plan. It is not expected that everything will be done at one time. What is important is that the wild allegations made by members of this House talking about bringing in experts to implement this and that. They are not really hurting or attacking the Ministry of Education or the Department of Education. The pace that was set in the National Education Plan and the plan itself was developed by teachers, parents and the public working in partnership with the community to develop what is in the best interest of the schools and the students.

The pace at which or the number of issues that are there are such that were raised by teachers, parents and the public of what they felt was a priority to improve the education system. So, this was a phased plan and it still is phased plan and some things were done first and other things that are in it will continue to be worked on year after year because it is a dynamic plan and it must take account of changes in the island and changes in the world.

We heard a lot of irresponsible allegation about 20% of the students cannot pass the curriculum or syllabuses. Mr. Speaker, no one passes either a curriculum or syllabus. This is the nonsense of what has been said. What they pass are examinations and when you see the level of debate getting to that stage it really means that we are now into the question of politics and not anything constructive. Where are the answers from all of these people who criticise? There are no answers that are coming from the critics of the education system. If they had any solution then those who have spoken would have—and here I am basically referring those such as the Third Elected Member from West Bay or the Fourth Elected Member from George Town or the Third Elected Member from Bodden Town. Where are the solutions?

Anyone can stand up and criticise, but where are the solutions? They have none! I have a plan that the people put together that they approved. Perhaps the stupidity of this whole debate is that they are standing up criticising policy that has been passed by them unanimously in this House. So, there are problems in the system but those problems have to be dealt with in accordance with a National Education Plan and with the Vision 2008, the 10 year National Strategic Plan.

The United Nations came up with a one percent illiteracy rate and I used an external evaluation rather than saying that is correct. I can confirm that is correct but if I had come here and said there was a one percent illiteracy rate then the Fourth Elected Member from George Town may have turned the criticism the other way around and say, *'well get somebody from the outside because I don't believe you'*. Instead the criticism is, because it is the United Nations it should have come locally. You cannot really win in politics and that is what

this motion is all about. No manner which way you go there are those little minds who are always trying to criticise but have no solutions.

Much has been said about the youth of this country and I would like to thank the Third Elected Member from George Town for his constructive views and the way in which he brought out policies that he had passed and I assumed that other members of this House realised they had passed, which deals with youth. It is very comprehensive.

I would now like to take a few minutes—

**The Speaker:** Honourable Member, we are at the time of lunch. Would it be convenient that we take the luncheon break and return at 2.15 pm?

**Hon. Truman M. Bodden:** Yes, sir.

**The Speaker:** I would like to ask Honourable members to meet with me informally in the committee room prior to us coming back, say, at about 2.05 pm or something like that.

Also it is proposed that we will have a briefing at 3.45 pm this afternoon so plans can be made accordingly. The House is now suspended until 2.15 pm.

#### **PROCEEDINGS SUSPENDED AT 1.02 PM**

#### **PROCEEDINGS RESUMED AT 4.30 PM**

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

#### **HOUR OF INTERRUPTION—4.30 PM**

**The Speaker:** We have reached the hour of 4.30, the hour of interruption. I would entertain a motion for adjournment of this Honourable House.

#### **ADJOURNMENT**

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 a.m. on Wednesday morning, sir.

**The Speaker:** I shall put the question that this Honourable House do now adjourn until 10.00 a.m. on Wednesday. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. This Honourable House stands adjourned until 10.00 am, Wednesday.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 12 JULY 2000.**

**EDITED  
WEDNESDAY  
12 JULY 2000  
10.25 AM**

*[Prayers read by the Honourable Third Official Member responsible for Finance and Economic Development]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have received apologies for late attendance from the Hon Second Official Member responsible for the Portfolio of Legal Administration, and apologies from the Hon Minister responsible for Community Affairs, Sports, Women, Youth and Culture who is overseas on official business.

Item 3 on today's Order Paper, Presentation of Papers and Reports. Report and recommendation of the minister responsible for lands relating to the proposed disposition of George Town, Block 14C, Parcel 40. The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**PRESENTATION OF PAPERS  
AND REPORTS**

**REPORT AND RECOMMENDATION OF THE  
MINISTER RESPONSIBLE FOR LANDS RELATING  
TO THE PROPOSED DISPOSITION OF GEORGE  
TOWN, BLOCK 14C, PARCEL 40**

**Hon. John B. McLean:** I beg to lay on the Table of this honourable House the Report and recommendation of the minister responsible for lands relating to the proposed disposition of George Town, Block 14C, Parcel 40.

**The Speaker:** So ordered. Do you wish to speak to it?

Report and recommendation of the minister responsible for lands for the proposed vesting of Block 77A, Parcel 48. The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**REPORT AND RECOMMENDATION OF THE  
MINISTER RESPONSIBLE FOR LANDS FOR THE  
PROPOSED VESTING OF BLOCK 77A, PARCEL 48**

**Hon. John B. McLean:** I beg to lay on the Table of this honourable House the report and recommendation of the

minister responsible for lands for the proposed vesting of Block 77A, Parcel 48.

**The Speaker:** So ordered. Do you wish to speak to it?

Financial Statements of the Cayman Islands Stock Exchange Limited for the year ended 31 December 1998 to be laid by the Honourable Third Official Member responsible for Finance and Economic Development.

**FINANCIAL STATEMENTS OF THE  
CAYMAN ISLANDS STOCK EXCHANGE LIMITED  
FOR THE YEAR ENDED 31 DECEMBER 1998**

**Hon. George A. McCarthy:** I beg to lay on the Table of this honourable House Financial Statements of the Cayman Islands Stock Exchange Limited for the year ended 31 December 1998.

**The Speaker:** So ordered. Do you wish to speak to it?

**Hon. George A. McCarthy:** Yes, Mr. Speaker.

Honourable members will note that the Cayman Islands Stock Exchange received an unqualified audit report from its auditors and the accompanying financial statements from the Auditor General also confirms that the audit was acceptable and that the Stock Exchange satisfied all financial reporting requirements for the year ended 31 December 1998.

The audited financial statements show that the Exchange made a net income for the year ended 31 December 1998 of \$51,866 on total revenue of \$770,376, and operating revenue of \$369,408.

Government's grant to the Exchange for the period was \$1,075,645, a decrease of 33% over 1997. The Stock Exchange rebated \$200,320 to government for the 1998 financial statements in accordance with the requirements of the government budget.

I should also like to give an indication of the extent to which the Exchange has met the targets it set for 1999 as given on page 6 of the operations report. The listing target of 54% increase was exceeded by ten listings. The derivative rules were introduced in March 1999 as intended, and by year-end 13 listings were attracted. The Bloomberg Trade Reporting Facility was updated as intended.

The Exchange took on three new international financial institutions as broker members, those being Deutsche Bank, CIBC and RBC Dominion. And, finally, the Exchange was granted approved organisation status by the London Stock Exchange in June 1999.

For the further information of this honourable House, I am pleased to report that the Exchange currently has 379 listings, and a market capitalisation of \$29

billion (United States Dollars). It is of particular note that the success of the Cayman Islands Stock Exchange to date has not been achieved by cutting corners, but on the strength of a high quality of service and adherence to international regulatory standards. The support of this House during its development and up to this time is very much appreciated.

**The Speaker:** Financial Statements of the Public Service Pension Fund for the years ended 31<sup>st</sup> December, 1996, 1997 and 1998. The Honourable Third Official Member responsible for Finance and Economic Development

### FINANCIAL STATEMENTS OF THE PUBLIC SERVICE PENSION FUND FOR THE YEARS ENDED 31 DECEMBER, 1996, 1997 AND 1998

**Hon. George A. McCarthy:** I beg to lay on the Table of this honourable House Financial Statements of the Public Service Pension Fund for the years ended 31 December, 1996, 1997 and 1998.

**The Speaker:** So ordered. Do you wish to speak to it?

The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** As at 31 December 1998, the pension fund stood at \$40,281,449. In 1996 through 1998, there was a total of \$19,696,539 in employer/employee contributions paid over to the pension fund while the investment income amounted to \$3,942,455 for the same period.

Administration expenses over the course of the years were borne by central government. There were no payments of benefits and refunds to participants as the fund has not yet been qualified by the actuaries as self-sustaining. The contingent liability for the Public Service Pension Fund of \$140,380,727 as established by the actuarial valuation as at 1 January 1996 is reflected in the 1996, 1997 and 1998 accounts of the pension fund and of the government.

The fund received contributions from the Cayman Islands Government four statutory authorities, the Cayman Islands Turtle Farm and employees of those entities. The fund also received contributions with respect to elected members of the Legislative Assembly under the terms of the Parliamentary Pensions Law 1984 (1995 Revision).

In 1998 contributions and interest thereon received from judges of the Grand Court were segregated under statement of assets available for benefits and were not included in the contributions received by the Public Service Pensions Fund. The formulation of an investment policy was carried out in 1995 and 50% (subsequently increased to 80%) of the fund has been placed with Scotia Castles Investment Council Ltd. of Toronto Canada, with the remaining portion invested locally.

In order for the fund to achieve a more satisfactory rate of return, the scope of approving investments was broadened to allow for investment in equities. In 1996,

the fund assets amounted to \$22,515,546 as a result of employers' contribution of \$2,828,120, and employees' contributions of \$1,885,316, an investment income of \$1,068,990. This income represented a rate of return of 5.59% for the year.

With effect from January 1996 government and statutory authorities contributions increased to 6% with employees' contributions remaining at 4%.

As at 31 December 1997 the fund assets rose to \$29,489,855 on the back of employers' contributions of \$3,256,384 and employees' contributions of \$2,172,956. Investment income for the year amounted to \$1,590,677 for a rate of return of 6.12% for the year.

As at 31 December 1998, the fund assets increased further to \$40,281,449, largely from employers' contributions of \$6,466,143 and employees' contributions of \$3,383,074. The employers' contributions included an amount of \$2,728,656 that was contributed to the fund's additional costs associated with the defined benefit plan. Investment income for 1998 amounted to \$1,293,972 or a rate of return of 3.59%. The fund's performance has since improved with an unaudited rate of return of 14.38% for 1999.

On January 5 1999 the Pensions Law (1995 Revision) and subsequent amendments were compiled in the form of the Pensions Law (1999 Revision). Then on 14 April 1999 this law was repealed and replaced with the Public Service Pensions Law 1999. This served the purpose of reforming the law as it related to the Public Service Pensions to re-establish the Public Service Pensions Board as a statutory corporation to maintain existing defined benefits pensions rights for existing employees and to provide a defined contribution pension plan for future public service employees.

**The Speaker:** Moving on to item 4, Questions to Honourable Members/Ministers. Deferred question 23 stands in the name of the Third Elected Member for Bodden Town.

## QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

### DEFERRED QUESTION 23

**No. 23: Mr. Roy Bodden** asked the Honourable Minister responsible for the Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation what is the government's policy regarding the investigation into the current medical insurance companies amending their policies to include funeral costs.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony Eden:** The Government's policy is to act in good faith on a suggestion made in this honourable House by the Third Elected Member for Bodden Town, that government consider the inclusion of funeral costs

as a benefit to be provided under a health insurance contract.

The Superintendent of Health Insurance has made enquiries and he informs me that most approved providers of health insurance do offer life insurance and accidental death and disablement insurance as an additional option to their health insurance policies. At present, eight companies are able to offer these options, and I believe that they are very much to be encouraged.

I believe that the provision of the life insurance option can achieve the objective of providing for the funeral costs of the insured person. The purpose of life insurance is to pay a sum of money on a person's death and the proceeds of the life insurance contract can be used for any purpose which the beneficiary wishes, including, naturally, the payment of funeral expenses and other expenses which arise on such occasions.

The approved providers of health insurance normally offer life insurance coverage only for groups of employees. However, very recently one approved provider commenced offering \$5,000 of life insurance cover, as an option together with other enhancements on its standard health insurance policy and this is being made available to individuals who join that particular scheme.

The Superintendent of Health Insurance has advised that no approved provider offers a product which can be termed funeral cost insurance as such. He informs me, in fact, that there is no class of insurance business using the terminology "funeral cost insurance" transacted in the Cayman Islands.

The honourable member will be aware that approved providers of health insurance offer contracts with substantially higher levels of coverage than the standard health insurance contract. All except one of these providers can offer life insurance or accidental death and dismemberment coverage, which will provide a significant money benefit on the death of an insured person. Benefits of up to \$100,000 are certainly not unknown.

I very much welcome and encourage the marketing of these options because I feel that it is in the interest of individuals, families, and the community at large for a person to be properly protected and provided for on death. This is always a time of great grief and the provision of adequate funds through life insurance at such a time can do much to relieve the pressures that accompany the passing of the person.

Just as an addition, I think the House is aware that there is an amendment to a motion coming where consideration can be given to providing some assistance to those in need.

### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Begging the honourable minister's pardon, is he saying in his answer that while the paper work is being handled to get the benefit paid out,

government is going to bridge the gap by funding the funeral in the interim?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony Eden:** In the past, Social Services provided those services to those who needed some assistance.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Obviously, the intent of my question did not reach the minister, but I won't pursue it.

In his answer, the honourable minister said there is no such provision in the Cayman Islands. Notwithstanding the situation at present, would there not be sense in someone pursuing the possibility of one of the approved providers, or all of them, being willing to carry such coverage?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony Eden:** I am made to understand that in his conversations with them they offered the life package but not the specific burial insurance. But I am willing to have further discussions with these companies.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I want to thank the minister for saying that he's willing. I would like the honourable minister to give a commitment to seek this information and let us have a report as soon as possible as to what the possibilities are.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony Eden:** We are willing to follow up on this, and I would give the commitment. But up until this time there is no one here offering this type of insurance.

**The Speaker:** Are there any further supplementaries? If not, we move on to question 30, standing in the name of the Third Elected Member for Bodden Town.

### QUESTION 30

**No. 30: Mr. Roy Bodden** asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning to explain how Cayman Airways Ltd is utilising the third aircraft.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Cayman Airways current schedule, which runs from 1 May to 28 October, operates 59 roundtrip flights per week. To operate this schedule, the airline utilises two aircraft on three days (Tuesdays, Wednesdays, and Fridays) and on the other four days (Mondays, Thursdays, Saturdays, and Sundays) the third aircraft is utilised between 10.00 a.m. and 5.00 p.m.

One of the three aircraft is being flown on the four days where additional frequencies have been added to routes to match the high summer demand. For ten weeks, it is also being used from 1.00 p.m. to 9.30 p.m. on Fridays. Even on the days three aircraft are being used to operate the schedule, Cayman Airways Ltd can assure the travelling public of back-up because the third aircraft is not scheduled to depart until 10.00 a.m., allowing an early morning rotation to Miami or Kingston if necessary. And, similarly, because it ends its scheduled flying by 5.00 p.m., the third aircraft can also operate additional flights in the early evening if necessary.

The schedule is designed to meet the needs of the customers and of the company. Depending upon demand, the airline may be able to meet the demand with a schedule operated with two aircraft and then the third jet provides back up of flights during the day and provides in-house sub-service for the weekly maintenance checks for the other two aircraft in the fleet.

On at least two occasions since May, the airline has had one aircraft out of service for unplanned maintenance, but there was no disruption to the schedule because of the third jet's availability. Later this summer, the third aircraft which is a passenger and freight jet will be assigned a schedule of cargo flights operating between 2.00 a.m. and 6.00 a.m. three days a week.

### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Prior to the acquisition of this aircraft, it was mooted by the honourable minister that this aircraft would function as a quick change aircraft, meaning it would be utilised to transport freight. Can the honourable minister tell the House whether or not this is still the objective? And, if so, why is it not being so utilised at this time?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** This is actually another question that is coming up which is asking for an update on the cargo service (by the First Elected Member for George Town). But we plan to introduce the cargo service with a start-up in October. At present the balance of the certification on the aircraft, together with training, fire training for the crew and that sort of thing, is now being carried out. So, it is a quick change aircraft and will be in October. Then it will be run between 2.00 a.m. and 6.00 a.m. and that will save us quite a bit of money.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** The minister mentioned certification, can the minister explain why this certificate has not been had at this time?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** This is obviously a highly technical area. But from what I understand, the aircraft will need to have from Boeing a certificate, which I understand is on its way and will deal with the weight and balance of the aircraft while in cargo. That certification, together with proper training for crew, will then be submitted along with other technical documents to the Civil Aviation Authority for it to be registered as a cargo aircraft.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Does the honourable minister remember standing on the floor of this House answering a question about certification of that said aircraft, saying that all of the certification was in order?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, from what I understand from our Acting Managing Director, the certification is in order. It is a timing aspect of it. In other words . . . It is a weight and balance manual and that will be used for training of the dispatchers and crew in relation to the freight service, the cargo.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Then, after eight or ten months, is it that this manual had to be created? Exactly what is the hold up? The minister himself could have gone over and brought it back by now.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I may have to get one of the technicians to give this in writing. What I have been told is that it is a procedure similar to the STC procedure; it's a matter of retrieving training, putting into operation and then getting the certification.

But I agree with the member. A lot of time has gone by. Believe me, if I had any way of speeding them up on this, I would. I have been told that we need to wait until October. I have been told it's a long procedure even for carrying freight.



I will ask the managing director to ask the technical people to get the thing speeded up as fast as they can.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable minister say if this was known when the aircraft was purchased? And, if not, why not?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** It appears that this document is a Boeing document that was designed for the former owners of the plane. I really don't have the technical ability on this. I will probably have to get this in writing. But I have been told that it's the same process as we went through to get the STC documentation relating to passengers. It's a document that was produced by Boeing.

It's to do with the full freight area, not just the cargo door.

I really don't have the expertise here to answer the technical side of this. I am not a technical person, neither is the managing director. I will have to come back to the member on this and set out exactly what it is. I really don't understand. All I can really do is give an undertaking to the member that I do press safety first. Secondly, I press them to move as fast as possible.

**The Speaker:** I would appreciate a motion for the suspension of Standing Order 23(7) & (8). The Honourable Minister responsible for Education, Aviation, and Planning.

#### **SUSPENSION OF STANDING ORDER 23 (7) AND (8)**

**Hon. Truman M. Bodden:** I so move sir.

**The Speaker:** I shall put the question that we suspend Standing Order 23(7) & (8) to allow Question Time to continue beyond the hour of 11 o'clock. Those in favour please say Aye, those against No.

**AYES.**

**The Speaker:** The Ayes have it. Question Time will continue.

#### **AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11 AM.**

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable minister tell the House whether this document he is speaking about, this manual, was created before for the previous owners, or

is it something which has to now be made up by Boeing as a result of the change of the aircraft?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** This is a document that was created before for the previous owner of the aircraft, which was Federal Express. They sold it to Aramco who then sold it to us. So, it is a document that has been there before and quite frankly looks to me like they should have gotten this some time ago.

**The Speaker:** I will allow two additional supplementaries. The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** If the minister clearly remembers, this issue that we are discussing now was brought up during the time of the purchase. There was a long hold up, if memory serves me, in the completion of the purchase to do with documentation.

Can the honourable minister say whether the prolonged situation which prevailed with the purchase was to do with this said matter? The Civil Aviation Authority had advised Cayman Airways that this was missing and it would be needed if the aircraft was to serve this purpose and if the purchase went ahead, notwithstanding that this was not in the possession of Cayman Airways.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** What I have been told is that the original hold up was for something called a Supplemental Type Certificate (STC) and what I have also just been told is that it only came to the attention, presumably of the technical people, one month ago that this document was needed for training.

I am giving it like I have been told, okay?

It's a weight and balance manual for the cargo service. They have now located it and they will get it this week. Notwithstanding that, . . . and I guess between now and October it's the training and developing the procedures for operating in the cargo role.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable minister state if he remembers when the question was originally asked him on the floor of this House when the cargo service would be put into operation what his answer was? If he does remember it, would he care to repeat what time that was supposed to be?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I can't remember, but I am sure the honourable member does. What-

ever he comes up with what I said, all I can say is that I give answers in accordance with what instructions I get. And if you really want me to be honest with you, the airline business is a very frustrating business. It is very hard to get . . . these technical sides seem to be difficult to deal with. That's all I can say sir.

*[Members' laughter]*

**The Speaker:** Moving on to question 31, standing in the name of the Third Elected Member for Bodden Town.

### QUESTION 31

**No. 31: Mr. Roy Bodden** asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning what is the cost of outfitting the third aircraft of Cayman Airways Ltd.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The costs incurred are mainly capital costs which increase the value of the aircraft by approximately the amount spent for the third aircraft to 31 March 2000 and are as follows (all amounts are US dollars):

|                                                                     |                |
|---------------------------------------------------------------------|----------------|
| Purchase price of aircraft                                          | \$4,600,000.00 |
| Overhaul of airframe and engines<br>(resulting in a value increase) | 3,341,298.57   |
| 2 Hush Kits for engines                                             | 1,126,099.77   |
| Other modifications and additions                                   | 721,864.33     |
| Total:                                                              | \$9,789,262.67 |

The amount for other modification and additions include items such as new seats, transaction costs, and other related costs.

The aircraft entered service in early April. The final cost of the aircraft is expected to increase slightly as final modifications are made and invoices are settled.

The D check is a heavy check in which the airframe and most parts are replaced or returned to '0' hours or cycles. The D check is only done about every eight years.

The overhaul, hush kits and additions will increase the value of the aircraft by substantially the amount spent.

### SUPPLEMENTARIES

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Can the honourable minister say if all the seats that were purchased for this aircraft have been used? If not, why not? And where are they now?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I understand that the coach seats will be installed within the next month in CYB and CKX. We have two sets to go into the two new aircraft.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Would the honourable minister then answer the balance of my question? Where are those seats that have not been used?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** They are in storage in Cayman.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Can the honourable minister say why they had to be put in storage and not installed in the aircraft?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I understand that the diagram of the configuration, which is called a LOPA [?] . . . there was a change from what they were originally going to do in coach. That is now being done.

Let me just say another thing: When I asked the board the question some time back, I didn't realise but changing seats in a jet, just moving them like opening up the space, we were told there have to be diagrams normally from the manufacturer on it. The plane has to be fully weighed and balanced and apparently they are doing the LOPA now, such as a LOPA is.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Is the honourable minister saying that we ordered seats for the aircraft without taking into consideration all of these things that have to be done?

Are we sure that these seats will fit the aircraft once all this work is done?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I have been told yes. If not, I guess we are going to have to hold somebody accountable. But I have been told that yes, they will fit.

**The Speaker:** Are there any further supplementaries? If not, we move on to question 32, standing in the name of the First Elected Member for George Town.

### QUESTION 32

**No. 32: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for the Ministry of Education, Aviation

and Planning to give an update on Cayman Airways Ltd. cargo service since the third aircraft came on line.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The addition of the third aircraft has not had any direct influence on the cargo service since it was introduced to our fleet in April. However, we have ensured that we have increased our credibility on our scheduled cargo flights that are presently running Tuesdays and Thursdays. We are also in the process of introducing a new computer cargo system, which will dramatically increase customer inquiries either over the Internet or on the telephone.

When the third aircraft is certified to operate as a freighter, it will replace the existing sublease freighter contracts. We will then increase our scheduled freighter service to include Saturdays.

### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable minister explain exactly what the freight schedule is now, so that we will understand which other days (except Saturdays) the freight service is in operation?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Tuesday and Thursday mornings.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable minister state, because of having to sublease an aircraft to operate the regular freight schedule, what type of profit margin the freight service accumulates to Cayman Airways? Perhaps the easiest way would be to assume a full freighter and the cost to operate that including the sub-leasing costs.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I have been told that it is making a very small profit, just a bit better than breaking even.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** So it is more a service than a business.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** It could be called that at this point.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** If the minister recalls when this Legislative Assembly in Finance Committee was asked to guarantee the loan for the purchase of the third aircraft, a large part of the sales pitch to justify this purchase was based on its potential ability to operate a regularly scheduled cargo service thus enhancing the cash flow and revenue of Cayman Airways.

At this point in time can the minister state, given the projections that may have ensued based on this potential service, how this will affect Cayman Airways year-end P&L projections?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I would have to get that information to the member. But cargo contributes about \$1 million to revenue each year. Obviously we will be worse off not having our own jet flying the cargo. I would like to see that jet operational as a freighter and I have continued to press for that. I will continue to press, and now I have been told October.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I quite appreciate the minister's almost untenable circumstance in answering these questions at present. Nevertheless, that's where he finds himself and I can't do anything about that.

Can the honourable minister state if Cayman Airways has a full and loaded commitment to see this thing become a reality? Are there any other potential problems that are known at present that Cayman Airways will have to encounter and overcome to get the cargo service operating using the last aircraft purchased?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I understand from the managing director that there are no other foreseeable obstacles. But it's quite a few months over what I would have thought to be the time we could have gotten the freight operational as well. It is discouraging, not just to the honourable member, but to us.

All I can say is that I do my best and I try to push them as hard as I can to try to do these things early. But the airline business is a very hard business. There's no two ways about it sir. I am in here trying to serve my country. I wouldn't be in here out of choice if I had to

choose a business to go into. So I take my hat off to the staff. They do try, but it's a tough business, no two ways about it.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** The minister is reverting to his usual style. Let me say on behalf of the members of the backbench that we also take our hats off to the staff. So let's not get ourselves away from the topic. This has nothing to do with staff.

Can the honourable minister state if there are any specific additional costs to be incurred in order to have the cargo service on an ongoing basis as planned?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** We will have to purchase cargo containers and pallets, I understand. The training is in-house so that would be minimal.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable minister state if there is anything with the configuration of this third aircraft which affects its ability with the volume of fuel it uses? And does it have any negative effect on purchasing fuel that is more economical at certain locations because of certain additional weight consistent with the aircraft? And was that taken into consideration when the aircraft was purchased?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** This aircraft is approximately 6,000 pounds heavier than the passenger aircraft because of the reinforcement in the aircraft for the cargo system. It has the same size fuel tanks. It burns a slight bit more and (to use the words of the managing director) it's an insignificant amount. But it can lift the same amount of fuel as the others and it would buy the fuel where it is the least expensive.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** The minister just explained that there is reinforcement in the aircraft making it heavier. He said that there is a little additional fuel burned per hour than if the reinforcement was not there. I thought he meant that the plane could take off with the same volume of fuel it would have been able to take off with without the reinforcement. How can that be the case when the minister was just talking about all these weights and balances? We know enough to know that if there is additional weight, to create the balance you must have less

of something else to make it work. The minister just told me the opposite of that. Can he explain, please?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I think what the Honourable member is getting at is whether there is a payload reduction because the plane is 6,000 pounds heavier. There is a payload reduction, but it would not affect the flights for example into Miami. But it does affect the flights into Houston because of the length of it. And if we were fully loaded and running to Cayman Brac with a full payload on short sector it could affect the amount that we carry. In other words, it does have 6,000 pounds that if the plane was fully loaded could have been used for freight, or it could have been used for cargo, whatever, because normally human beings don't . . .

*[Inaudible interjection]*

**The Speaker:** Moving to question number 33 standing in the name of the First Elected Member for George Town.

### QUESTION 33

**No. 33: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for Education, Aviation and Planning to state the number of flight attendants presently employed by Cayman Airways Ltd, giving a breakdown of nationality.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Cayman Airways Ltd currently employs 30 flight attendants, including the Manager of In-flight. Of these, 15 are Caymanian, 3 are other nationalities married to Caymanians and 12 are expatriates. The breakdown of nationalities is shown below:

|                      |    |
|----------------------|----|
| Caymanian            | 15 |
| Married to Caymanian | 3  |
| Jamaican             | 6  |
| English              | 3  |
| Canadian             | 1  |
| Nicaraguan           | 1  |
| South African        | 1  |

Cayman Airways Ltd also has 11 flight attendants in training. The training programme finished on 23 June 2000. The breakdown of nationalities for our trainees is as follows:

|                                                            |   |
|------------------------------------------------------------|---|
| Caymanian                                                  | 2 |
| Jamaican                                                   | 4 |
| American                                                   | 2 |
| <i>(one with application for Caymanian status pending)</i> |   |
| Canadian                                                   | 2 |
| Colombian                                                  | 1 |

**SUPPLEMENTARIES**

**The Speaker:** The Elected member for North Side.

**Mrs. Edna Moyle:** Would the honourable minister say why the airline is unable to get Caymanians to join as flight attendants?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I can assure the Elected Member for North Side that the policy of Cayman Airways is to employ Caymanians—and they do try. But I guess one of the realities of life in Cayman is that we have a high amount of non-Caymanians employed. I think they have probably done well with 15 . . . well, it is now 14. Well, at least, at that stage it was 15 . . . really 18, I would say, because those married to Caymanians . . . but we will try to keep improving it.

**The Speaker:** The Elected member for North Side.

**Mrs. Edna Moyle:** Would the honourable minister say what the starting salary for a flight attendant's position is?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, we don't have the accurate amount here because a staff increase is about to come into effect shortly. What I will have to do sir is to get it and send it to the Elected Member for North Side. I see she is smiling so she probably knows more than I do sir.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I would appreciate the salary before the salary increase comes into effect.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I will get that for the Elected Member for North Side.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the minister say if work permits are required for flight attendants?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** No, they are not required for flight crew nor for the crew of planes or ships.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, could the minister say then what is the normal procedure when a crew member is hurt on the job? What is the procedure, especially when you have so many different nationalities with no particular right of abode?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, it would follow the normal procedure under the Labour Law or the other laws. I am not sure specifically.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the minister state when applications are invited how many Caymanians apply? Is the number relative to the answer or is it that there are many more Caymanians who apply but who simply cannot fit the bill? That is what I am trying to get at. Can the minister answer that?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I cannot give the answer to that. I can get it but they don't have that here with them.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, with regard to the supplementary the minister answered for me, are you saying that the Immigration Law does not apply to the crew but the Labour Law governs the employer/employee relationship with regard to the crew here? Is it the policy of the airline to deduct salaries from crew members if they are sick as a result of job conditions, or does the airline have any kind of policy to compensate employees if they are sick as a result of the performance with their duties?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I assume this is a person here because if they are in the US obviously the US Labour Law may apply. But assuming that, what I have been told is that the policy of the company is always to fully comply with the law and at times to go beyond it in favour of the employee. It is something that is handled by the Human Resources Department.

**The Speaker:** Are there any further supplementaries? Two additional supplementaries. The Elected Member for North Side.

**Mrs. Edna Moyle:** Would the honourable minister say when the last salary increase was given to CAL prior to the present one that he just mentioned?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** July 1999, sir.

**The Speaker:** The Fourth Elected Member for George Town, final supplementary.

**Dr. Frank McField:** Mr. Speaker, I just want to use up the last supplementary here because there is something that I really want to get at. Could the minister say if the policy of the airline is to award persons who have served with the airline for a substantial time by promotion or by being placed in a different position?

How important is the question of nationality in deciding how to deal with a staff member, for instance, who has been with the airline for a long time but is not of Caymanian nationality or status?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, Caymanians are always given the preference. They would be moved up first.

**The Speaker:** That concludes Question Time for this morning. Moving on to item number 5 on today's Order Paper: Other Business, Private Members' Motions. Private Member's Motion No. 14/2000, Public Education System, the continuation of debate on the amendment to the motion.

The Honourable Minister for Education, Aviation and Planning.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 14/00

##### PUBLIC EDUCATION SYSTEM

##### AMENDMENT THERETO

*(Continuation of debate thereon)*

**Hon. Truman M. Bodden:** Mr. Speaker, I need to make one thing clear again, and that is that I will be, God willing, running for a seat in George Town this time. I just want to make that clear. I thought I had to because I heard a bit of a rumour about that. But just to make it clear, I will be seeking re-election.

*[Inaudible comment]*

**Hon. Truman M. Bodden:** No, I am sure no politician would spread a rumour to the contrary. But I would just begin the morning that way.

Mr. Speaker, the amendment really seeks to have this motion carried out in relation to education in accordance with the policy. I was reaching the stage where I had actually read a part of the Vision 2008, Strategy 3. I don't propose to go into any further reading on that because this document, Vision 2008, has been passed by this House and this is our policy. It's the legislature's policy.

This states that we will support an educational system, which identifies and develops the abilities of all persons, encouraging them to realise their full potential. I showed that the first action plan under the strategy was to develop and implement those parts of the education plan that still needs to be implemented.

Mr. Speaker, in October 1999 we reviewed the National Education Plan so that we could identify what needed to be implemented and to rephrase these items for implementation. I did mention earlier that we added a new strategy.

Action Step 3 of the Action Plan calls for, and I quote, "**Institute site-based management at the Education Department level.**" Mr. Speaker, I would like to talk about this for a minute or two.

A site base plan enables a school or an organisation to better implement and support the National Education Plan at the local level. The National Education Plan itself calls for review of the Education Department and we realise that while we had progressed with site base planning and with inspections of all the schools, the Education Department itself needed to be reviewed.

Mr. Speaker, we considered how best to review the department, whether to use a site base planning method that we were using in schools or whether to use some other model. We decided to have an inspection of the department because we found that the in-depth inspection of the schools which is made public has helped tremendously for the ministry, the department and the schools to have the schools inspected in-depth and to say to the public, *'look these are our strengths but these are also our weaknesses and our shortcomings, and here is how we plan to solve them'*.

The Education Department now and the schools prior to that are really the only system in total that has been inspected and published. That therefore shows clearly that the ministry, the department, the schools and I, as Minister of Education, have nothing to hide. I feel it is only right that the public should have the inspection of the schools and it should be published publicly. There is total public accountability within the school system and we decided rather than just do it like a site base planning of the department, which would have been far better and simpler for me politically (let me say that), we decided to go the full way on it and do an inspection.

Consequently, we brought Miss Althea Millet, CBE, who is a highly experienced inspector whose specialisation is in local education authorities in Britain. Mr. Speaker, I don't mind telling you that some people said

to me that I had to be crazy to bring in an inspection of the department just before the election. But I have nothing to hide, and I feel that what has to be done, I will do whether there is an election or not. I understand the dangers of doing an inspection for the first time on the department but it is a process that I believe in.

I also believe that the teachers and the Education Department will understand the depth of my commitment to improving education in the Cayman Islands and also the conditions under which they work.

The Millet Report is a good report. It is a very thorough report and it will be tabled in this House in due course—it will be tabled in September. I don't intend to do that until it has been thoroughly reviewed and we determine a broad plan of action for its implementation. This is the system we have followed with the inspection reports of the schools because a plan of action has to be developed and monitored on correcting the problems that exist.

Mr. Speaker, we have very substantial changes going on in education this summer. We will have a new Chief Inspector of Schools, a very capable Caymanian; and we have a new Chief Education Officer, once again a very capable Caymanian. So, we are doing our best to put qualified and professional Caymanians in these posts. I don't think it would be right to just put the Millet Report in their hands and say *'Here it is, go ahead and implement this.'* That is not the way the ministry works neither our permanent secretary who is a very capable professional.

Mr. Speaker, strategic planning calls for consultation and it calls for compromise so that we can reach a consensus. I am sorry if members feel that they need the Millet Report right now. They will get it in the fullest of time when the proper consultation has been done.

I would also like to mention that Miss Millet was fully aware of the needs of Strategy 3 of Vision 2008 and therefore many of her recommendations relate to the action plans under this strategy. Under this Vision strategy is the need to collect data for research and policy development. This is an area that needs special attention, not just for education but for all the government. It is a big area in government and I don't believe we have sufficient empirical evidence to be able to support some of what we are trying to do with facts. This was a big item in Vision 2008 and one that has to be addressed in a modern country.

We are hoping that the national census that was started about nine or ten months ago will soon be out. This will give us a lot of very good information.

Action Plan 3 under Vision's Education Strategy calls for the development of academic, vocational and technical curriculum. This subject—vocational education and training—is a problem in many countries. We know, for example, that many thousands of dollars of equipment at the Community College sits idle because students do not want to register for some technical courses. I have heard over the last twenty years where some members of this honourable House called for a technical school, but we have a comprehensive system of educa-

tion in which there is one system and I believe that in this country that has proven to be the best.

Every few months I read out the many courses that John Gray High School offers in technical and vocational education. The courses that the Community College offers are quite extensive. There are twenty-odd of them.

Mr. Speaker, I believe that we have to take a new approach to technical and vocational training, and I am happy to say that a committee of about ten to 13 people has been looking at this over the past five to six months. We have had people from the Chamber of Commerce, people from Education, from private and public schools, from the Parent Teachers' Associations and from business looking at how we can create a public/private partnership in education for increased educational enrichment in all our schools, public and private.

The concept of how we can do this, using available technology is now ready to be presented to our various partners. Executive Council had a presentation of this yesterday, and I hope to be able to bring it to the whole House preferably on Wednesday of next week, subject to what members feel. I think it will be well worth us taking time to have that presentation.

The P3ET is not just another plan. It is an implementation strategy which links the National Education Plan, particularly the new Strategy 10, and Vision's Education Strategy 3. It shows how these objectives can be met with technology—it is a part of my ministry's thrust in 2000 from vision to action. I will stress that. I would like to thank all that group of people on the co-ordinating committee of P3ET who have put in hundreds of volunteer hours putting this concept together and researching it to the point where we are ready to move forward.

The amendment to the motion calls specifically for the carrying out of that motion in accordance with the National Education Plan, the new plan 2000 to 2005, and specifically to incorporate as it states in Strategy 3 of the National Strategic Plan, which this honourable House approved. In accordance with that amendment, the motion will then read specifically in relation to the implementation of Vision and Strategy 3, and also the position in relation to the new education plan.

Mr. Speaker, I just mentioned the new strategy under the National Education Plan and I would like to just state again that Strategy 10 reads, and I quote, **"We will create dynamic learning environments which will guarantee life long independent learners in a globally competitive society."** This is today's world. The strategy must ensure that we deliver education in a whole new way by using the tools that many students want to learn and continue to learn after they have left formal school.

I believe that every student in the Cayman Islands must become a model user of technology . . . and I can assure you that if I am back here in 2001, God willing, a lot more will be heard from me about this. We have that specific strategy, the Information Technology (IT) strategy, being propelled quite effectively and rapidly by the Honourable Minister of Tourism along with the Honourable Third Elected Member for George Town and our

Honourable Third Official Member, the Financial Secretary, together with a very capable and dedicated group of members of the committee.

Mr. Speaker, we are already beyond technical and vocational education as we knew it back in the 1980s. Now, the whole curriculum is available on computer and students can diagnose and fix things in cars, for example, just by understanding what it is that they are seeing on the screen. We know this and we see this every day, and I am merely trying to point out that students don't even really need old cars to work on anymore. IT has come in and replaced all that and the amendment to this motion when it calls for the implementation of this in accordance with the five-year education plan and the Vision 2008 is one that I believe is undoubtedly very important to these islands.

I understand that we have a 27% penetration of Internet use in Cayman and this is extremely high for a community like ours. But we have to make sure that every one of our students is enabled to use technology, but more than this, that every one of our teachers is comfortable and competent in utilising web technology. That is why I said a few weeks ago in answer to a question that one in every three dollars spent on technology would go into the training of teachers. Mr. Speaker, what I would like to see is that every teacher has his or her own computer. My ministry is working on how this can be accomplished.

I would just say for those who have alleged that my ministry is not working on training, that I am a very careful person. While I may take sometimes more time than some members here are happy with, I have to make sure that the foundation is put in place and that the programme is fully researched. We know as far as possible that the concept can work before I go ahead and announce something or build something that is not going to last.

Mr. Speaker, this amendment is one which allows the long term policy and planning of this country to continue on a solid basis. There are no quick fixes in the education business. It has to be done right, and there are no short cuts to that. To do it right will guarantee the country's future in the long term.

I believe that we need a career advisory centre, a job placement centre or whatever one calls it, and I too am very concerned about those students who have not managed for whatever reason to achieve very much in high school. At the present time, the Community College provides the second chance for students in terms of remedial English and Maths, and many other subject areas. Mr. Speaker, all our students have to do is to want to learn, want to take that opportunity and to take that second chance.

Much of what is required in career advice I believe can be done through a website. We will do this in the months ahead. But first of all, we have to make sure that our students know how to access such information and if they don't have a computer where to get access, such as libraries, for example.

Mr. Speaker, there are many examples like this that I could go into but I will save this for another day, only to say that the Education Ministry is ready for the challenges of implementing the revised National Education Plan and Vision 2008. The Education ministry is fully aware that web-based technology, and students and teachers who are model users of this technology, is where we have to begin. I hope that makes it clear to honourable members of this House that we in the Education Department and the ministry are doing everything we can and are moving ahead in the right direction.

But, as I said, there are no short-term solutions that provide long-term stability to education.

I was very heartened to hear the good Third Elected Member from George Town bring out clearly from *The Economist* the position in relation to the literacy or illiteracy (if we wish to put it that way) that exists in the world. What we see is that many countries have levels of literacy and this is graded into four different levels—

**Mr. Roy Boddén:** Five levels.

**Hon. Truman M. Boddén:** Well, four and five is actually lumped together on this and they are the best skills level.

Mr. Speaker, I would just read the order that they are in and it moves from Sweden, Denmark, Norway, the Czech Republic, Germany, Netherlands, Finland, Belgium, Canada, Australia, United States (I think they are about eleventh), New Zealand and then Great Britain (which looks like about thirteenth), Hungary, Ireland, Slovenia, Poland, Portugal and Chile. I think it is a compliment to this country that the illiteracy rate stands at 1 percent and that is supported locally. But I also read from UNESCO . . . it is not foolishness. The Fourth Elected Member for George Town may not like me saying this but the fact that honourable member may refuse to accept the United Nations statement on this is that member's problem not this country's because that reflects clearly the position here.

I guess we find why I read this is that illiteracy is a problem even in the highly industrialised countries whose education system has been in existence for 500 or 700 years. *The Economist* stated that Britain's performance is "pretty worrying." According to Alan Wells, head of the BSA, its literacy levels are worse than almost all of its Anglo-Saxon or European peers. I don't want to go into this, only to say as I think the Third Elected Member may have mentioned, that the OECD which is a very large organisation—some fifteen hundred staff—also has a section that relates to education.

Mr. Speaker, we are struggling to improve the education system here but so are many other countries in the world. We shape up extremely well against other countries and we should be thankful that our good education system has put the country where it is today. When we look around us we really see the problems in education that exist, especially in the Caribbean. We are miles ahead of many of those countries. I thank the good teaching staff and the good parents and the good education staff, the professionals out there who have made



these opportunities reachable by all children in this country. Too often—this amendment hopefully will wipe out a bit of that—we only hear the criticism of the one or two children who are problems and nothing about the other thousand who are good children and have made the mark, who contribute in this society. I believe it is our duty to encourage them.

Mr. Speaker, this motion once amended is very acceptable to government. If my saying that the education system is good doesn't seem to be accepted by everyone I would like to read from the *Business Week* of Thursday, 6 July to Wednesday, 12 July 2000, page 6 which is headed "Senior Educators in Leadership Seminar." It says this, Mr. Speaker, "**Cayman schools have nine-tenths of what they need to be successful—dedicated teachers,' said existing Chief Inspector of Schools, Victor Green, CBE, on Tuesday, July 4<sup>th</sup> at a two-day seminar on leadership and management being held at the Marriott Hotel this week. The seminar is being attended by 50 senior teachers from public and private schools.**"

The Education Department and the Schools Inspectorate are clearly examples of what is being done in training but a very clear and resounding statement by the Chief Inspector who has inspected all the schools. He went on to say, "**The Chief Inspector listed the strengths of the Government school system as having 'good accommodation, generous resources and a pupil/teacher ratio which is excellent and far beyond what exists in the United Kingdom.' He said that one particular strength was the hard working and dedicated teachers who want to do a good job.**"

This gentleman set up our Inspectorate system but he came from the United Kingdom as a Senior Inspector. He knows both systems and he has made it abundantly clear in this.

I would like to read more because this is not Truman Bodden saying this, this is a gentleman who has led the inspection of every school in this country—not all of them are inspected but the majority on both the private and the government side. I am quoting him here in the newspaper, the Inspector said, "**You have a strong policy lead—the five-year education plan. 'One could not ask for a better policy lead than you have in Cayman,' said Mr. Green, admitting that the existence of the National Strategic Plan for Education was the deciding factor in his accepting a position in Cayman in 1996.**"

It then goes on to say, "**The recommendation for the establishment of a schools Inspectorate came from the National Plan, which was developed in consultation with teachers and parents and approved by the Legislative Assembly in 1995.**"

Mr. Speaker, not me, but a gentleman, the Chief Inspector, has looked at nearly every school in this country, private and public, and knows the United Kingdom's system and can make that comparison like no one in this House or in this country can do. I therefore feel that what has been said is true that this country has, as he says, a strong policy lead and there can be no doubt about that.

Mr. Speaker, I have dedicated the larger part of my life to education in this country. I hold near and dear to me the education of our youth in this country. I am satisfied that the National Education Plan will produce in the long term the returns for the youth of this country. It will guarantee the education. It will guarantee the stability of the youth of this country and it will assist those who are adults to achieve their fullest potential in this country. I would therefore ask honourable members to please support the amendment as we support the motion plus the amendment and continue the good work that has been carried on in education—not just by me but by many others before me over the years. Thank you.

**The Speaker:** The floor is opened to debate, does any other member wish to speak on the amendment to Private Member's Motion No. 14/2000, Public Education System?

The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I don't intend to be long in dealing with this amendment to Private Member's Motion No. 14/2000 brought by the Minister of Education. I certainly believe that the attempt by the Minister of Education to suggest, in fact, that literacy and/or illiteracy are not aspects that we should be concerned with in a critical appraisal of the educational system is wrong. I think it is wrong for the Minister for Education to suggest that by being critical of certain aspects of the educational system that we are condemning the system and we are also ignoring the wonderful contributions which have been made over the years by educators and also some contributions that have been made by the Minister himself.

I think that I, at least, gave credit to him. I sometimes find it difficult to understand why he cannot pay back those types of compliments to others as well, including to me, but I certainly have never tried to minimise his achievements. I simply suggest that the sociological considerations are important, and for the Minister (who is a lawyer) not to understand the sociology involved in education, I believe that can create problems for us.

Just this morning, I was speaking to someone on Washington Boulevard, the area we call "the Swamp" about the number of young kids that are roaming the streets there, saying that they want to move out of the neighbourhood. They were one of the first families that moved into the neighbourhood when it was first developed and now they are talking about moving out because of the young kids and the drugs. The young kids are pedalling drugs and they walk around with machetes in their trousers and different things like this. If we go to Windsor Park there is just a situation where some persons were assaulted there.

Now, I passed the Windsor Park Community Park. There were some kids sitting in the park and they said, '*hey, we need some dominoes.*' I know some of those kids are there every Friday. If I go to the Stratton area, the Myles Road area of George Town, I see kids who are emulating drug dealers in many different ways, whether it

has to do with the dogs they have or the jewellery they wear or the way they walk or the way they posture themselves.

So, when a community hears the Minister of Education saying that these problems don't exist, the Minister of Education needs to be a little bit more specific in explaining to the people why he believes the educational system has not played any role in the development of the criminal characters in our community, why it should be the responsibility of other agencies. But we take an interdisciplinary approach here. So, if we are going to talk about education and educational strategies, we have to be talking about educational strategies that go so far that they begin also to involve social strategies themselves within the communities.

I find nothing wrong with the amendment. I have found nothing wrong with the strategies that the Education Minister had developed over the years but there is a difference between policies and practice. I feel that all systems can be strengthened and improved. The first step in strengthening and improving a system is to look at the system critically and objectively, and not be so sensitive that every time somebody is critically analysing us we become defensive and say that critical appraisal means that the person does not like us and we don't want him to get elected again.

I heard rumours that he (referring to the Minister of Education) is not running again. I wasn't the one who started those rumours, but I think it was just that people were concerned because he has been travelling for so long that people kind of forgot that he was still here with us. I think that is how those rumours came about.

Nevertheless, I support this amendment like others will on the Backbench. I still say that this amendment would not have been possible had the mover of the motion not brought the motion in the first place. If the amendment has credit, it would mean that the original motion must have had some credit. I believe that every time we get the possibility to debate the educational system—the benefits and what we consider to be the weaknesses and the strengths—we have done ourselves a favour because education should always be kept in the forefront of our debates and our consciousness. I think that we do have teachers in this country that are very good.

I would just like to also take this opportunity to explain that when I was talking about schools lasting longer than 3.00 p.m.—when I was making the suggestion that maybe we should consider extending the school hours and that the school should be more a part of the social strategies in the community and more a part of the socialisation of the child, I did not mean that teachers should just work extra workers, I meant that we would also be needing additional teachers. We would need to train teachers. We would need to pay them better money. We would need to pay those who wanted to work those additional hours additional money. So, I am not believing somehow that there should be any extension of the required time that teachers spend in the school with-

out there being also an extension of the pay to those teachers.

Mr. Speaker, I am happy to accept this amendment to Private Member's Motion No. 14/2000.

**The Speaker:** Does any other member wish to speak?  
The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I have considered that it is important to speak to the amendment, and by inference the motion as amended, being the seconder of the original motion. I have associated myself with those comments made by the Fourth Elected Member for George Town when he said that the amendments would not have been possible were the motion not brought in the first place. The fact that the amendments (which are claimed now to be so far-reaching and comprehensive) complement the motion certainly is a credit to the mover.

I also wish to categorically state that I am a critic of the education system and I have been for many years even under previous policymakers. I do not necessarily associate criticism all the time with being negative. I think that any living organism, any entity which is continuously evolving must be critical. Mr. Speaker, that is the reason why we have mirrors because when we get dressed in the morning anyone who cares about deportment and style certainly goes to the mirror and takes a look to see whether the beard is kept and cultured, the hair is as it should be, or the tie is matching the suit. That is the kind of criticism that certainly in no way can be attributed to being negative.

I am not ashamed of anyone calling me a critic. I am a critic. And I hope to God that I will remain that way until I die. But I am not a destructive critic. I offer in most instances constructive criticism.

I have noticed that the Minister of Education finds it difficult to return compliments and he has a grudging acceptance, if not a reticence, of accepting other persons as his equal, be they his educational equal or his political equal. Maybe he even has a problem accepting attorneys he deals with in his professional life as equals. But, Mr. Speaker, I have never had any kind of inferiority complex so it does not matter to me. As a matter of fact, if the Minister of Education were to pay me a compliment, I would have to be suspicious judging by the past association and relations between he and I. I would have to remind myself of the old adage which says beware of the Greeks especially when they bear gifts. So, I am not overly concerned that he does not understand what people are saying.

I was not here because I had to be away on some official business when the Fourth Elected Member for George Town made his speech, but I read it last night because I wanted to make myself aware of what other people whom I consider important, educated and informed were saying to see how closely aligned my ideas were or to understand, if there were differences, where those differences were and to understand those differences. I had to tell the honourable member this morning that I agreed with what he said because what he said in

most instances made sense. And as an educator who has studied education, you cannot talk about education unless you consider the sociology of education. Indeed, in educational circles there is a whole discipline called the sociology of education because educators realise that you cannot take education as a discipline out of the sociological concept because the whole business of education has to do with changing behaviour—that's what it is about.

Now, Mr. Speaker, at the very outset I want to challenge that there is 98% literacy in the Cayman Islands. As I understand it, the Cayman Islands should have a high literacy rate. I don't know of any time that the United Nations came here and did any empirical survey, because if they did I suspect that it would have to be publicised. So, probably what happened is that the United Nations extrapolated some figures from information which can be gleaned because you can glean this kind of information about schooling and all that.

But I want to say that when you speak of literacy, because the Minister of Education I think misinformed and the ideas that he promoted were disingenuous . . . I am not saying that they were deliberately so. But literacy and literacy skills are divided into three domains and we talk about prose literacy, that is, understanding a newspaper, being able to read and understand. And, then we talk about document literacy, which means understanding documents like the maps, payroll forms, invoices and all these kinds of things.

Then we get to the third domain, which is the highest domain. That is called quantitative literacy, which is understanding more advanced information such as determining the amount of interest one would have to pay on a loan, an advertisement in the newspaper and all that kind of stuff. So, when you talk about that the Cayman Islands having a 98% literacy level, which of these three rubrics does it fall under? Does it fall under the first, the second, or does it fall under third? Usually when people talk about literacy they mean a combination of all three.

The Cayman Islands cannot have a 98% literacy rate when the prison director says that 20% of the persons in prison are functionally illiterate and enumerate. Now, when you transpose that prison population against the wider general population you don't have to be a statistician of the highest order to understand that the prison population is a sample of the general population. If 20% of the prison population is illiterate, then a significant percentage of the general population must fall into that category also.

So, the Minister of Education needs to adopt a more careful licence when he talks about a 98% literacy rate in society. I concede that the Cayman Islands has a high literacy rate, and I would hope that it could always remain that way. But I would not stick my neck out to say that it is 98%. I doubt there is any country in the world that can boast of such an achievement.

I would like to give him credit, and I am giving him credit for what he has been able to achieve in education because he has put in place some policies that have

proven effective over the years. But I stop short of suggesting that there cannot be significant improvements made. He himself has wrestled with the failure of technical and vocational education. He himself has acknowledged that and he has acknowledged that there are other failures. The reason why he amended the motion is an acknowledgement in itself that the system can be improved. So, that is the point. Let us not delve, Mr. Speaker, into self-righteousness.

I don't want to take any credit away from the gentleman. By no means! I want to give him as much credit as I can. But I also want to let him understand that he does not have a monopoly when it comes to educational insight and ideas. He does not hold that monopoly. There are other persons just as eminently qualified. The only thing they are lacking is the attainment of the position to get there to put their ideas into practice.

Now, when I read his speech yesterday I was taken aback because he went on to say, **“There are no answers that are coming from critics of the education system. If they had any solutions then those who have spoken would have—and here I am basically referring to those such as the Third Elected Member from West Bay or the Fourth Elected Member from George Town or the Third Elected from Bodden Town. Where are the solutions?”**

**“Anyone can stand up and criticise, but where are the solutions? They have none! I have a plan that the people put together that they approved. Perhaps the stupidity of this whole debate is that they are standing up criticising policy that has been passed by them unanimously in this House.”** [*Official Hansard Report*, 10 July 2000]

Mr. Speaker, when I read that I cannot come to any definitive position. The Minister of Education needs an injection of truth serum or he needs some memory pills but he needs one of the two because he could not have listened to the three members he singled out and say that they have no plans and no alternatives. I think that the minister does not understand the role of constructive criticism, but he has put himself into the exalted position where he would like only to be surrounded by psycho-fans—people who tell him what he wants to hear. Well, Mr. Speaker, I am sorry I did not come from a family of psycho-fans and at the age that I am now, being in my fifth decade, I have no reason to become one. Indeed, my ancestors who have passed on would have reason to turn in their graves if I would turn into a psycho-fan at this stage.

Mr. Speaker, there are areas that we have not dealt with in the education system that are problem areas and I want to let honourable members understand—

**The Speaker:** Could I interrupt you for just a moment?

Honourable members, I have laboured here this morning under a procedural matter. We are debating the amendment to Private Member's Motion No. 14/2000. What I am hearing is a debate on the motion, anticipating that the amendment is going to pass. I would strongly

suggest that we decide if any other member wishes to speak to the amendment.

I am not stopping you, honourable Third Elected Member for Bodden Town, I am just injecting this. After we take the luncheon break we should decide whether we should then take the vote on the amendment and continue on with the debate on the motion as amended. What I am hearing is apparent anticipation of the passing of the amendment, debating the motion as amended. So, I would ask you to give it some thought when we take the luncheon break and come back.

Please continue the Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I would wish to say that my comments are based on the unedited *Hansard* of the 10<sup>th</sup> July 2000 in which the Minister made these statements, and based on some statements he has just made. I have not stated my position regarding the amendment other than to say that the amendment obviously complements the motion.

Anyway, I was making the point that I think that we need to understand that there are other areas that we have not addressed which would suggest that there are weaknesses in the system that need immediate redress. I just want to mention one of these, and it has to do with this whole business of special education, particularly as it relates to the Sunrise Centre and the Lighthouse School.

When we speak of education, particularly as it concerns this amendment, we make no mention of those categories of children. Indeed, upon listening to the minister and other members who have spoken, one would believe that the student population in the Cayman Islands is exclusively comprised of those children who would fall under the rubric of what we call 'normal,' when about 18% of the children in the high school in the student population of the Cayman Islands fall outside of that.

Before I sit down, I want to say that it does not serve any purpose for anyone to be self-righteous, smug and apathetic, trying to misconstrue the position taken by honourable members, that we were not acknowledging the efforts made by teachers and all those people who have given countless hours of their time. Far be it that from reality! I think, every one of us, and especially honourable members on this side of the floor, the Backbench, recognises the efforts and the contributions made by these people. We tip our hats to them as does the minister and those people in the government. But we are saying that for education to be effective it must have continuous assessment and continuous constructive criticism, which is what the motion was intending to do and which is what the honourable minister claims the amendments are intending to do.

I think the fact that we can get up maturely and talk about these things here is healthy for the country. It is a sign that even in this Chamber we can understand and put things in acceptable ways and forms. But this does not obscure the fact that we have problems, that there are breakdowns. The Fourth Elected Member for George

Town said our approach is an integrated approach. I said it before. I laid out a whole plan because I think that education is best addressed, as this amendment shows—by an integrated approach. If you try to separate education from social services and from community affairs, you are doomed to failure. Thank you.

**The Speaker:** I think this would be an appropriate time for us to take the luncheon break. We shall suspend proceedings until 2.15 p.m.

#### PROCEEDINGS SUSPENDED AT 12.44 PM

#### PROCEEDINGS RESUMED AT 2.46 PM

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

Before we took the break I asked honourable members, on the debate of the amendment . . . I am proposing that if any other member wishes to speak on the amendment they speak, and then we can take the vote on the amendment.

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Under Standing Order 12(2) I rise on a matter I think is of utmost public importance.

**The Speaker:** The First Elected Member for West Bay sought my permission to move a matter of urgent importance and I am to establish a time. With the leave of the House, I would recommend that we do it at this moment.

Would you request the leave of the House please?

**Mr. W. McKeeva Bush:** Mr. Speaker, I so move that I be able to make this urgent public statement, or request I should say.

**The Speaker:** The motion has been made that the leave of the House be granted . . . We need a seconder. The Elected Member for North Side.

**Mrs. Edna Moyle:** I second the motion.

**The Speaker:** The motion has been made and seconded that we yield the proceedings in order that a definite matter of urgent importance be dealt with. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: PROCEEDINGS YIELDED SO THAT A MATTER OF URGENT PUBLIC IMPORTANCE RELATING TO AN ADVISORY ISSUED BY THE UNITED STATES TREASURY MAY BE DISCUSSED.**

**The Speaker:** The First Elected Member for West Bay, please proceed.

## RAISING OF AN URGENT PUBLIC MATTER

(*Standing Order 12(2)*)

### ADVISORY ISSUED BY THE UNITED STATES TREASURY

**Mr. W. McKeeva Bush:** I rise, and I do so under strict caution, to say to the government that they, having gone to Washington to have discussions with the United States Treasury Department and Securities and Exchange Commission—urgent as that may have been—the United States Treasury has issued an advisory which affects these islands in a most serious manner.

Would the Honourable Financial Secretary issue a statement assuring the public that steps are being taken to comply, and, further, advise all business operations within the financial sector how to manage the situation in the interim period?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Thank you.

I made a request a few minutes ago for a statement to be prepared that would form the basis of a response.

In light of the urgency as expressed by the honourable member—and this urgency I am very much aware of—I think it would be useful at this point in time to give a response. With your permission, other members of the delegation may also want to comment as well. I will try my best to give as much information as possible without leaving much of a gap.

If we are to consider the advisory that has been issued by the Financial Action Task Force (FATF) it would be very useful for us to consider the letter of June 21<sup>st</sup> which came to us from the President of FATF. I heard the advisory being read this morning on the radio, and I should say that had I not had some background information on this I would have been very alarmed.

Rather than taking the advisory by itself and just reading from it—which when taken by itself can be regarded as somewhat unfavourable unless it is properly balanced—I think it would have been useful for some information to have been sought from the Portfolio of Finance and Economic Development, or from any member of the delegation that went to Washington. Before I go into detail I will read to you, with your permission, a letter received from the President of the FATF date 21<sup>st</sup> June 2000. It reads:

**“Mr. George McCarthy, OBE, JP; Financial Secretary; Portfolio of Finance and Economic Development; The Secretariat; Elizabeth Square, Phase III; George Town; Grand Cayman, Cayman Islands.**

**“Dear Mr. McCarthy: Further to my previous letter dated 16<sup>th</sup> February 2000, I am writing to inform you of the developments concerning your jurisdiction in the context of the FATF initiative on non-cooperative countries or territories.**

**“As a result of the review and subsequent contact with your jurisdiction I must inform you that the**

**Cayman Islands will be included in a FATF Report to be issued on Thursday, 22<sup>nd</sup> June 2000.**

**“As you know, the FATF reviewed the anti-money laundering regimes of several countries and territories against 25 publicly stated criteria which were defined to determine non-cooperation. After this review, which included where requested face-to-face contact between the review group and a representative of your government, the FATF was pleased to learn of the accomplishments regarding the strengthening of your anti-money laundering system. We have taken note of:**

- **The Cayman Islands has been a leader in developing anti-money laundering programmes throughout the Caribbean region.**
- **It has served as President of the Caribbean Financial Action Task Force and provided substantial assistance to neighbouring states in the region.**
- **It has demonstrated cooperation in criminal law enforcement matters and uncovered several serious cases of fraud and money laundering otherwise unknown to authorities in FATF member states.**
- **It has also closed [this is the Cayman Islands] several financial institutions on the basis of concerns about money laundering.**

**“Although we are extremely pleased to learn about these accomplishments, the FATF nevertheless found significant gaps in your anti-money laundering system. The major areas of concern include: [Mr. Speaker, where the President says “significant gaps have been found” I will address the specific point later.]:**

- **The Cayman Islands does not have any legal requirements for customer identification and record keeping.**
- **Supervisory authorities cannot as a matter of law readily access information regarding the identity of customers.**
- **The supervisory authorities place too much reliance on home country supervisor’s assessment of management of bank branches.**
- **It lacks a mandatory regime for the reporting of suspicious transactions.**
- **A large class of management companies including those providing nominee shareholders for the purpose or formation of a company are holding the issued capital of a company is unregulated.**

**“The full report on your jurisdiction is attached for information. The FATF hopes that the publication of the 22<sup>nd</sup> June 2000 report together with the FATF policy dialogue will encourage all jurisdictions concerned to take appropriate steps promptly to improve their anti-money laundering regime.**

**“As actions are taken to remedy the deficiencies uncovered, the FATF will amend its findings accordingly. Meanwhile please be assured that the FATF is prepared to continue an active dialogue and to offer assistance to encourage jurisdictions to make fur-**

ther improvements in their anti-money laundering regime.

“Finally, allow me to stress that the FATF strongly believes that the elimination of the detrimental rules and practices which enable money launderers and other criminals to escape the effect of anti-money laundering measures is of the utmost importance and will benefit the entire international community in general and each jurisdiction in particular.

“We look forward to working with you and I thank you once again for participating in this effort.”

Mr. Speaker, if you will just permit my repetition of the favourable bullet points that were raised much earlier and these are to be noted because I am going to pick up some other points that connect with these.

- **The Cayman Islands has been a leader in developing anti-money laundering programmes throughout the Caribbean region.**
- **It has served as President of the Caribbean Financial Action Task Force and provided substantial assistance to neighbouring states in the region.**
- **It has demonstrated cooperation in criminal law enforcement matters and uncovered several serious cases of fraud and money laundering otherwise unknown to authorities in FATF member states.**
- **It has also closed several financial institutions on the basis of concerns about money laundering.”**

This will demonstrate to anyone listening, or reading this letter, knowing the record of the Cayman Islands, that we have been very much on top of all of these issues and we have a very robust anti-money laundering machinery in place in the Cayman Islands.

We quite recently issued a Code of Practice to address the concerns where the FATF has said that it is not mandatory to report suspicious transactions. To put everything beyond a shadow of a doubt, these will be embodied within regulations.

Mr. Speaker, this is an email that was received by the Assistant Financial Secretary from Mr. Joseph Tompkins of Sibley and Austin. This email is dated 10<sup>th</sup> July, which was Monday. It reads: **“Deborah: After receiving the advisory by fax from Steve Crowl [?], the Chief Counsel of FINCEN [the is the Financial Crimes Enforcement Network in the United States] I called him to thank him. He said he was glad I called because he was going to call me if I did not call first. We had an extended conversation during which Mr. Crowl said or indicated the following:**

- **He was the person who drafted all the US advisories.**
- **All of the advisories will be available on FINCEN’s website either later today or tomorrow.**
- **The Cayman Islands should know that there are two groups . . .”**

I will just repeat it so that it is understood clearly. **“The Cayman Islands should know that there are two**

**groups. The first group, which is the larger of the two, consists of countries for which the advisories call for enhanced scrutiny for everyone doing business in those countries.**

- **The second group, which includes the Cayman Islands, have advisories that are more tempered in their operative paragraph. The second group includes Russia, Israel, The Bahamas, the Philippines, the Cayman Islands and one other country that we could not remember.**

**“The first paragraph on page 3 of the advisory was added as a result of the meeting last week. [That is, the meeting which took place in Washington between representatives of the United States and the Cayman Islands delegations.] The only other country in group two that has similar language in its advisory is the Philippines. According to Mr. Crowl, the Philippine government made commitments six hours before the advisories were put into final form.**

**“He hopes that the Cayman Islands Government will appreciate that the difference in tone between their advisory and other advisories were intended to show that they do not have nearly as far to go as most of the other jurisdictions.”**

And I will repeat that again, Mr. Speaker, **“He hopes that the Cayman Islands Government will appreciate that the difference in tone between their advisory and other advisories were intended to show that they do not have nearly as far to go as most of the other jurisdictions.**

**“He said that he and others in the meeting last week believed that the Cayman Islands Government was making its proposal in good faith and his office would like to assist in any way to have the Cayman Islands accomplished what was proposed.**

**“He said that if the advisory creates any problems in doing so he would like to know that. But more importantly we should not hesitate to get back to the policy makers in Treasury to tell them that because he believes that the United States Treasury has an obligation to assist in getting these things done so that the Cayman Islands will be removed from the FATF list.**

**“He invited me to call him anytime and he also offered to meet if that would be helpful. I pass these comments on to you and to others for what they are worth. I would be glad to continue the dialogue with Mr. Crowl in any way that would be productive.”**

So, Mr. Speaker, it shows that we have not been sitting by and allowing these developments to occur, recognising the significance of their impact, and not doing anything. This is why since last Saturday we have had two meeting with representatives of the private sector. We also met with members of this honourable House to brief them and we have draft legislation that will be brought in order to address the issues, the areas to be remedied.

Also, as I mentioned, the Code of Practice, the section dealing with sanctions will be embodied within regu-

lations making it mandatory for suspicious transactions to be reported.

Mr. Speaker, if you will permit, I would like to go back to the report of the Caribbean Financial Action Task Force that was done on the Cayman Islands. Mr. Speaker, I am going to ask you to bear with me to identify that document.

**The Speaker:** Sure.

[Pause]

**Hon. George A. McCarthy:** Mr. Speaker, it is very important that I find this document, so I will just ask you to bear with me a minute or two.

[Pause]

**Hon. George A. McCarthy:** When we consider that the Cayman Islands has been assessed against 25 criteria developed by the FATF, what will have to be borne in mind is that there are 40 recommendations that have been established internationally by the FATF. There are an additional 19 recommendations that have been put in place by the Caribbean Financial Action Task Force.

The Cayman Islands has been a member of the CFATF from its very inception. We were part of developing those recommendations. In fact, the FATF was formed in 1989, and the CFATF started in 1991. As soon as they had their foundation, they spoke to the Caribbean region. The Cayman Islands and other countries in the region decided that it was necessary for us to observe these international standards.

When the CFATF was established, the Secretariat was put in place and was up and running. It was agreed that mutual evaluation should be conducted of countries within the region. The Cayman Islands was the first to submit itself to a mutual evaluation by the CFATF. Bearing in mind that no specific preparation was made to accommodate this arrangement, we were just going on an assessment of the existing system of laws and regulations and other facilities or practices we had in place at that time.

Taking into account the conclusion that was drawn after this evaluation . . . and this has benefited the entire CFATF membership because we were the first country to come through the gate in terms of being assessed and having the findings of our mutual evaluation being made available for the benefit of the region.

Mr. Speaker, the conclusions by the mutual evaluation examiners: **"The Cayman Islands adoption of a progress attitude towards countering money laundering demonstrates that such policies are compatible with a developing offshore financial centre.**

**"The Cayman Islands Government took prompt action to deal with the threat posed by illicit money laundering. The territory is substantially in compliance with the FATF and CFATF recommendations. The 1988 Vienna Convention has been ratified on behalf of the Cayman Islands."**

And it goes on, paragraph 95 of the conclusion. What I read earlier was paragraph 94. **"As a result of the overall examination, the examiners concluded that the confidentiality laws do not inhibit the compliance with the recommendations. They also had the opportunity to examine the conclusions of an independent review of the Confidential Relationships Preservation Law, 1976, commissioned by the Executive Council which are to similar effect."**

Paragraph 96, **"It is expected that the definition of the predicate crimes for the money laundering offence will be widened during 1995 and this will improve the facility for investigating and prosecuting such offences."** In this, they are talking about the Proceeds of Criminal Conduct Law.

Paragraph 97, **"Although laws to allow the confiscation of cash linked to drug trafficking are now in place these have not been used to date. It appears that the Police and Customs require specific training in this area and in the absence of any cash declaration procedure for arriving or departing passengers, enhancement to Police and Customs information system should be introduced to ensure effective implementation."**

We know we have the financial reporting unit in place and also the Financial Investigation Unit, so we have facilities in place.

Paragraph 98, **"In general the procedures for customer identification throughout the financial industry are good."** We heard by an extrapolation of the recommendations where the FATF said that these facilities or what existed in the Cayman Islands were inadequate. But here it said, **"In general the procedures for customer identification throughout the financial industry are good."**

**"Whilst it was reported that record retention is in most instances within the standards required by the FATF recommendations, the requirement should be formalised and applied consistently by the financial industry."**

What is being suggested here is that we should put legislation in place to stipulate the periods for which financial records should be kept. Although we were observing this requirement—and I must admit that we are just about to do this, but because of the fact that it was established that we had this arrangement in place, it is something that we could probably have addressed much earlier.

**"The arrangements for reporting of suspicious transactions are effective and make efficient use of available resources. These systems should be kept under review in order to introduce enhancement derived from other jurisdictions with similar approach.**

**"The reporting of suspicious transactions is not fully mandatory and the government may wish to consider such requirement in the light of developments in this regard in Europe, for example."**

After we put the Proceeds of Criminal Conduct Law in place, a requirement of that legislation is that Codes of Practice be developed for the various sectors of the fi-

financial industry. We have developed a head code and other codes of practice have been developed for the mutual funds society . . . we have an industry code for the bank that was recently endorsed by government. So, Mr. Speaker, we have been in compliance.

Paragraph 100, **“Banks and other financial institutions have good internal controls in many instances devised by parent companies in North America and Europe.”**

Where the FATF mentions that reliance is placed on home countries supervisors, surely the reason why we have a successful regime in the Cayman Islands—one that is well regulated—is because all of the agencies are working in tandem.

Mr. Speaker, if we have a branch of Barclays Bank coming to the Cayman Islands, a branch of the Royal Bank of Canada, Bank of Nova Scotia and others, surely we know that these financial institutions are sending their internal auditors into the Cayman Islands to review procedures and ensure compliance with internal control procedures. So, to this extent, and based on the fact that financial statements are filed with the Cayman Islands Monetary Authority on an ongoing basis, in this regard we have taken their point. We do recognise that. And we have agreed that we are going to strengthen our manpower resources and technical skills within the Cayman Islands Monetary Authority in order to expand the breadth of onsite supervision that the Monetary Authority has now started.

Paragraph 101, **“The Financial industry is clearly well regulated and supervised to a high standard. The authorities are keen to ensure that effective counter money laundering controls are in effect.”**

Paragraph 102 (and this is the final paragraph): **“The arrangements for consolidation between government departments and the private sector deserve commendation. There is a common interest in putting policies into practice and a timetable for introducing new laws is actively pursued.”**

**“The combined efforts of these key players have succeeded in making money laundering a more hazardous and expensive activity in the Cayman Islands.”**

Mr. Speaker, I am going to share a thought, and I will put this down as my personal view at this time: We established a sister organisation of the FATF in the Caribbean region. We have seen where—and this has been the mandate from the time that it was established—we were made to understand that it is a parallel organisation having the same remit as the FATF.

I am very much surprised, as are many other persons in the region, that the FATF could have taken the decision to bypass the CFATF, and conduct its own independent review of systems of countries within the region. Not only that, the information that was available within the CFATF that was offered to the FATF to assist them in their review was not accessed.

This has caused many of the countries in the region to be very much upset with the arrangements. But notwithstanding that, we indicated to the FATF when they

came to the Cayman Islands, . . . we provided them with a copy of our report when they wrote to us, and we agreed that we were going to engage in constructive dialogue with them.

Just to recap the developments: The FATF released a report on non-cooperative countries and territories on February 14, 2000 setting out 25 new criteria to identify detrimental rules and practices that impede international cooperation in the fight against money laundering and establishing regional review groups to review a number of jurisdictions with other FATF membership against the criteria.

What must be borne in mind is that we are talking about 25 new criteria. These criteria are in addition to the 40 and the 19 and these 25 were not available to be reviewed or to be considered where countries deemed that their systems were somewhat deficient or not meeting these enhanced standards, they would have had an opportunity to address these deficiencies. But I will continue.

By letter dated 16 February 2000, received by the Financial Secretary on 22 February 2000, the FATF President advised that the Cayman Islands was one of the jurisdictions preliminarily mentioned as possibly meeting some of the criteria and **“ . . . we would like to engage in the review with your full support and cooperation.”**

The Financial Secretary responded by letter dated 13 March 2000 expressing surprise and concern that the Cayman Islands was selected for review by the FATF given our history of cooperation and action in the international fight against money laundering.

The reply also attached the CFATF's Report “1995 Mutual Evaluation on the Cayman Islands” which found amongst other things that the Cayman Islands was, and I quote, **“ . . . in substantial compliance with the FATF and CFATF recommendations”** and offered to provide additional information and materials with the expectation that Cayman would be removed from the list of jurisdiction under review at an early date. There has been no reply between that period and 4 April.

On April 4, 2000, Mr. Joseph Myers, the Chair of the FATF Review Group for the Americas, wrote to the Financial Secretary indicating that they were preparing a draft report on the Cayman Islands and would be sending it to us for our comments.

On April 7, 2000 the Financial Secretary wrote to Mr. Myers and attached a copy of . . . and when I say the Financial Secretary, this is not to be taken in the person of George McCarthy. I have signed the letters that have gone out but these letters were developed jointly by the Task Force, by the working group comprised of Mr. Linford Pierson; the Attorney General, Mr. David Ballantyne; Mr. Thomas Jefferson, and Mr. Truman Bodden. The letters were reviewed by Executive Council and input taken from the Secretariat.

On April 7, 2000, the Financial Secretary wrote to Mr. Myers and attached a copy of the earlier letter to the FATF President. He also restated Cayman's willingness to provide information to assist in the removal of the



Cayman Islands from the list of jurisdictions being reviewed.

On May 2, 2000, the Financial Secretary again wrote to Mr. Myers to the same effect with a copy sent through the British Embassy in Washington. There was no response to the letter of 7 April 2000 hence the reason for the letter of May 2, 2000.

On May 4, 2000, a reply was received from Mr. Myers that indicated that the review group would be available for a meeting in Miami on June 8 and 9 and that the draft report on the Cayman Islands would be forwarded by the end of the week.

On May 9, 2000, a draft report on the Cayman Islands was received with a request that a response be given by May 19.

The Cayman Islands Government submitted a preliminary response on May 19, 2000. On May 26, a formal invitation to a meeting in Miami on June 8 and 9 was received from the review group for the Americas, and this was sent to the Cayman Islands Government.

On June 5, a revised draft was received from the FATF by the Cayman Islands Government.

On June 9, 2000, the Cayman Islands delegation met with the review group for the Americas in Miami to discuss the draft report and the review process. Presentations were made by the Honourable Truman Bodden, the Honourable Chief Justice, the Honourable Attorney General, and comments were made by the Financial Secretary. Also, comments were offered by the Chief Inspector, Mr. Brian Gibbs, and the Managing Director of the Cayman Islands Monetary Authority, Mr. Bourbon. All of these comments and presentations were developed jointly by the working group comprised of the persons that I mentioned earlier.

The delegation addressed in detail a question related to enforceability of the Code of Practice. That was the single question that the group was asked to address. The Attorney General spent close to half an hour pointing out the effectiveness of the code, and this was backed up by information provided by Chief Inspector Brian Gibbs as to why we have an effective Code of Practice.

Mr. Speaker, we have all of the presentations here that were made by the various parties and it would be useful if members would like to probably peruse some of the comments that were shared.

On June 16, 2000, a revised report on the Cayman Islands was received from the FATF and on the same day a further response was prepared and sent out by the Financial Secretary, again coming from the working group.

On June 19, 2000, the FATF met in Paris to review the draft reports on jurisdictions and to finalise the list of non-cooperative countries and territories.

On Tuesday, June 2, 2000, a new revised report by the FATF was faxed to the Financial Secretary's office. He was advised informally by the Executive Director of the CFATF who was attending the FATF meeting in Paris that the Cayman Islands was going to be listed as a non-cooperating jurisdiction by the FATF. This was after we

received, by way of correspondence from the United Kingdom, that if it could be demonstrated that a thorough review had not been carried out on the Cayman Islands anti-money laundering regime and more time was needed, that this argument would be advanced on the part of the Cayman Islands.

Shortly after these events there was a high level meeting that was hosted by the OCED in Paris. Mr. Pierson gave some details of this yesterday or Monday. On our way to Paris, we arrived in London on Monday morning and we went to Mr. Joseph Halagan's office at the Treasury Department to discuss the issues and just to get some information as to why the Cayman Islands was listed. After it was recognised that we had a Code of Practice in place and we were earlier found to be in substantial compliance with the FATF's 40 recommendations and CFATF's 19, we wanted to find out exactly what was happening.

Mr. Halagan spoke with us, and during the course of the conversation it came to light that apparently this seems to have been somewhat pre-determined that the G-7 countries or the FATF member countries were going to be issuing advisories against the 15 countries that were listed by the FATF.

There were other views that were shared, but I do not think it would be appropriate to mention these views at this time. But this shows that the Cayman Islands has been in compliance with the 40 FATF recommendations, the 19 CFATF recommendations, and the 25 criteria that have been extrapolated out of the 40 recommendations. To use the words of the Attorney General, **“these were to define the FATF 40 recommendations.”**

But equity would have suggested, this being done, that time should have been allowed for jurisdictions to carefully examine the 25 criteria and to examine their anti-money laundering regimes and wherever gaps were found, these gaps should be bridged. That would have been the most equitable route.

Notwithstanding this, the email I read between Joseph Tompkins and the Assistant Financial Secretary, and also the letter from the President of the FATF, the Cayman Islands' leadership role in promoting anti-money laundering systems in the region . . . not only in the Cayman Islands because we have provided technical assistance to other countries. Quite recently, we provided technical assistance in the setting up of a Financial Intelligence Unit at the request of the United Nations to one of the leading independent countries in the region—we have done all of that.

We pointed this out to the FATF Chair for the Americas at the face-to-face meeting in Miami on June 9. I want to be very accurate with the information I am giving. All of this was pointed out. We have seen where what we have done has been recognised.

At least, we can take comfort in the fact that we do not have as far to go as some of the other jurisdictions. At least this has been recognised. It shows that the government is staying on top of this issue.

The question being raised, when we look at the advisory we have been told that normal business transac-

tions should continue as usual. The advisory has gone on to point out that more punitive sanctions could be exercised against countries failing to remedy the deficiencies that have been identified. This will not be the case with the Cayman Islands because we have always taken our international obligations quite seriously. We have been a very proactive country, putting in place or promoting anti-money laundering regimes. We have taken a public stance on this.

We have to give credit to our Chief Justice. The Cayman Islands was invited by the FATF through the Chief Justice to carry out a review of the United States of America. It shows that we have the expertise in the region. It shows that the mutual evaluation that was done on the Cayman Islands . . . I will not accept the fact that the Caribbean region will have to play second fiddle to anywhere else in the world.

We have the ability and the capacity, and we have proven ourselves throughout the world community. We have a report that has been done by experts in the region on the Cayman Islands and it concludes that we were found to be substantially in compliance. What we are now saying is that we are co-operating with the FATF. But at the end of the day when the Attorney General and I attend the ministerial meeting that will be held in October we will be asking some questions.

The question that I will be asking is: Is the CFATF to be regarded as an equal organisation by the FATF? If that answer is in the affirmative, there are going to be some other questions. It will be somewhat premature for me to voice them at this point in time, but the Cayman Islands has done a lot.

We do recognise that we have been a very successful jurisdiction. Probably we have not been blowing our trumpets as well as other jurisdictions have. What would also be very helpful is that when the media . . . we are not trying to curtail the media or suggest that they should not report the facts, but that they seek for a balance. Don't go and pick up something negative reported by some quarters and put this over for public consumption in the Cayman Islands. Get the facts. Get the positive things that are being said. We know that positive things are not regarded as what sell the newspaper or other things but at the end of the day, this is a country where our bread is being buttered, so to speak. Everyone will have to work in cooperation to achieve the good end for the Cayman Islands.

Mr. Speaker, we have done a lot. We have come through a lot of challenges. We have challenges ahead. This will not be the only one. But rather than just being seen as something to put us down I think this will help us to stand firm. We are going to have a bit of difficulties ahead because obviously the way this information is being disseminated on the Internet and elsewhere, a lot of individuals are going there and reading this. What we will have to do is put in place a public relations campaign in order to ensure that we have accurate information—not misleading but accurate information—going out to the people within the Cayman Islands community.

We can take assurance and we are going to be holding the FATF to their word and also the Review Group of the Americas. When we have put in place the corrective measures we will be inviting the FATF to do a review of the Cayman Islands anti-money laundering regime and we are also extending this same invitation to the Review Group of the Americas. We have draft legislation that has been handed out to honourable members of this House and we have had two meetings already.

I am certainly glad that the First Elected Member for West Bay raised this motion at this time allowing me to offer these few brief comments on the subject.

Thank you very much.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Mr. Speaker, in view of the very thorough and comprehensive account that has been given by the Honourable Third Official Member, it is certainly not my intention to repeat what he has said. I would like to take this opportunity to thank the First Elected Member for West Bay for his timely intervention in this matter. As usual, he has touched on a very important issue.

Mr. Speaker, in the call for urgent attention to this important matter, I believe he has also given the opportunity to members of the House to briefly comment on this most important issue. I would certainly like to thank you for the tolerance and attitude that you are giving for us to voice our opinions and air our views on this very important issue.

I would like to caption my few comments with the words that in my opinion the Cayman Islands was made the sacrificial lamb. I share the sentiments expressed by the Third Official Member that Cayman is a destination that is supervised on a very high standard and is second to none. Of course, even with the best regulated economies of the United States, the UK and others they find that from time to time they have matters cropping up that they are not 100 percent happy with. A point in fact is the problems that the Bank of New York had with the money laundering through Russia. Mr. Speaker, I could cite a number of other examples.

I said that we were made the sacrificial lamb based on the foundation already laid by the Honourable Third Official Member. It was not very long ago when the CFATF evaluated the Cayman Islands as being substantially in compliance of the 40 FATF recommendations.

It was not so long ago, within the past year, that the United States of America was mutually evaluated by the Cayman Islands and other FATF countries. If we were in such bad shape at that time why didn't the FATF bring it to the attention of the CFATF, which is a sister organisation of the FATF?

Mr. Speaker, I think it is clear that as the fifth largest financial centre we were made an example of. We were made the sacrificial lamb. I am not going to stand here and even begin to suggest that we do not have weaknesses in our system. Of course we do. But for you to on

one hand be told that you are the exemplar within the region, all of your virtues extolled, and on the other hand, to be chopped down and told that you failed 13 out of 25 criteria would appear somewhat questionable. But that is history.

I have given that background to show that just in case you have those outside that would try to point figures at individual members of the negotiating team or members of this House or of the government, they must try to understand the details of what has occurred to date. It is a danger to jump to the wrong conclusion and to use this situation for any sort of political gain would not only be a disservice to this House but it would be a major disservice to the people of these islands.

I am very happy that the First Elected member for West Bay had the foresight to bring this matter before the House to allow the opportunity for some discourse on it. We already have in place some of the most effective legislation. We were the leaders in the money laundering legislation—The Proceeds of Criminal Conduct Law, and the list goes on and on. We have within recent months also issued the Code of Conduct under section 20 of the Proceeds of Criminal Conduct Law.

We in these islands have been trying our best to comply with international standards in finance. I would be the first to say that I personally would like to see a more proactive approach from our country, from each member of this House, from any government sitting over there. I do not like to be put in a reactive mode. The Financial Secretary, who is the Third Official Member, can attest to the fact that in my first letter to him when he requested ideas that members had as to how the OECD initiative should be handled, one of the first things I said was that we should not wait to react to a situation but that we should be proactive. When I expanded on it, I meant we should evaluate our weaknesses and try to correct them before we were put into a situation.

I am not suggesting here that we have been put into a situation. I am saying that in addition to what we are doing now to meet the 25 criteria or the 13 we have failed plus four that were partly satisfied, we should be looking ahead at other areas to see where we need to make the necessary corrections, where we need to strengthen areas and not wait until we are pushed into a corner.

Mr. Speaker, if members of the public had the opportunity to read the letter that was received from Mr. Gil Galvao, the President of the FATF, dated, I think 21<sup>st</sup> June, one would have wondered why was the Cayman Islands placed on a blacklist. There were so many praises extolling the virtues of our financial centre, the strides that we had made. This is why I say that we were made the sacrificial lamb, because the action taken by the FATF in listing us as opposed to the letter that was written by the President is most inconsistent.

There were 25 criteria against which countries were judged. There is a strange way in which they did it. Those that were met were failures. Where they said you meet such and such a criterion, it really meant that you failed on those issues. Of the 25 criteria, we met 13, with

an additional four that were partly met. We didn't meet or pass eight, which makes the 25.

When we got that report mentioned by the honourable Third Official Member, we were most concerned. We felt not only was the report unfair to the Cayman Islands, but inconsistent with previous reports we had received through the Caribbean Financial Action Task Force and, more recently, from the President of the FATF.

Following our successes with OECD, being placed on their white list, we were invited through the secretariat of OECD and the French Government, the French Minister of Finance, to a high level symposium for discussion on other matters to be addressed following the listing by OECD. And, incidentally, I haven't heard much said about our successes with OECD. Something good hardly makes news; it's only when something is not quite so good. But I am not pointing any fingers, Mr. Speaker.

We took the opportunity, as the Third Official Member stated, to meet with one of the highest ranking officers in the crime division of the FATF in the Treasury of the UK to discuss the report that had been issued on the Cayman Islands, because we could not understand the basis for the listing.

What amazes me (and I am not taking tales out of school, and in the interest of transparency I think it needs to be said) . . . if it hadn't been for probing we would not have known that an advisory was being issued against us. I find that rather strange. A member of our group raised a question, and we were told that the US was doing that. I know that certain things need to be kept in confidence, but as a territory of the UK, I would have thought that we'd be told that and not have to try to squeeze it out, as it were.

We went to Paris for the symposium. We arrived back in Cayman on Saturday evening. Those people who travel across the Atlantic know what jet lag is like. We didn't have the luxury of getting over ours. Whilst certain individuals may have been enjoying the holiday, we spent ours in the Glass House from about 10.00 in the morning until 7.30 at night. That's where we were trying to address the issue so that we could avoid the advisories or, at best, have them modified.

The point is, had it not been for the intervention of the negotiating team, supported by members of the Private Sector Consultative Committee, and others such as the head of the Monetary Authority, the head of the Financial Reporting Unit, the Chief Justice and others, we would have been placed on the most restrictive list. I have no doubt about that. All that took us off that hard list was the fact that we could show that we were not making empty promises, but we were making concrete advances, taking concrete action to put the necessary amendments in place. So much so, that of those 13 criteria that we failed, an additional four that we partly failed, the amendments we have put in place will satisfy not only those 17 criteria, but added to the eight we already passed would mean we completely passed all of the 25 criteria.

There should be no reason why, when the amendments are brought to this House, we should not have the advisories lifted as quickly as possible thereafter. The next closest date for us to get off the FATF list is October. That would be an academic exercise if the US accepts that the amendments we are putting in place will satisfy the 13 plus four criteria they have failed us on.

In all of our deliberations, we consulted with the private sector. For me to stand here and say that 100 per cent of the membership of the private sector agreed fully with everything would be stating an untruth. But I can say that the vast majority of the members gave their full support to what we were doing. The view is that even though we are on what is regarded as a soft grouping (group 2 which is the soft grouping compared to group 1, which is referred to as the hard grouping) there is still potential damage that can be done to our economy as long as an advisory of that nature hangs over our heads.

It's not a question of rushing legislation. When I hear that, it suggests that people like our experienced Attorney General and other experienced lawyers in our group do not have the ability—which is totally, totally false!—did not have the maturity to make sure that things were properly scrutinised.

Many times we asked the leader of the group to speak on behalf of the five. But it would be interesting to have a tape recorder tape us when we are speaking in our sessions. Sometimes you'd really think we were quarrelling. But you don't have any "yes people" in that group. We have professionals. We have an economist, two professional lawyers, and two professional accountants with experience. Nobody is going to be a yes man. I made that quite clear when I moved from the backbench to work with them. I was not coming as one backbencher to work with four members of Executive Council. We were going to work as equals. That is precisely what we have done. We have worked very well together.

I believe that rather than being put in a bad light, as I heard on "Talk Today," that we should be congratulated for the efforts made to try to put this country on the right footing. Nobody is hiding anything. There is not one trip we have made where a full report was not made upon our return to this island.

We have told the people all along what was going on. Yesterday, someone from the private sector said to me after a meeting, "Linford, you, Tom, and Truman should try to brighten up yourselves a little when talking on television." Well, I agree with that. I know we look a bit wooden, but I don't know how to trivialise such a serious matter. I wish I could make a joke of it. People who know me, know that I can be very funny when I want to be. But as hard as I try, I find it difficult to smile when talking about OECD or FATF. I know of the potential damage that can cause to these islands.

The attitude taken by some of the independent countries two years ago is interesting. I remember at the Commonwealth Finance Ministers Conference, when I spoke. Even at that time there were independent countries that compete with the Cayman Islands telling their customers, even from Cayman, to leave the Cayman

Islands and come to their country because of their independence and their sovereignty; that as independent countries they could do as they pleased. I bet they are singing a different tune now.

Every one of them—The Bahamas, Barbados, Antigua—is trying to get their act together. Again, this is just an example of the foresight of the Cayman Islands. We were able to get ourselves off of the most important list—the OECD list—with five other countries, including Bermuda. As I speak, a number of our competitors within the region and outside are trying to get off that list. The threshold is going to be that much higher for them to get off at this stage.

The only thing that helps them is that they will have a year to do so. But unless they put their house in order, it's going to be difficult. I have also heard talk about the attachments to the commitment letter making it appear as if the group tried to hide that information. Nothing could be further from the truth. I don't have a copy here now, or I would read it to put it into the *Hansard*. I am hoping that somebody from across the way might be able to let me have it before I take my seat.

There are also people in this country advocating independence. They say that independence is the answer to our problem. Nothing could be further from the truth. What are we going independent on? We don't even have a proper political party system. We have all the independence we need! And we need to protect that—our financial independence! That is what we are fighting for.

That is the reason we gave up our holiday and worked until late in the night at the Glass House. That is why, when we got to England on Monday morning, rather than get the luxury of taking a nap, we were in meetings that afternoon with the Treasury, the Inland Revenue and other FCO fighting for these islands. I heard mentioned on the call in show about what hotel we stayed in, how did they travel. . . how petty can anyone get? I hope that was some political has-been or wanna-be making those statements. I would hate to believe that sensible people out there would be making those sort of trite remarks.

*[Inaudible comments and interjections]*

**Mr. Linford A. Pierson:** I believe the people of the country need to know that as a major financial centre there are other areas that we will have to be looking into. If we are going to continue to be the fifth largest financial centre, fifth in line to New York, London, Tokyo, Hong Kong, then we are going to have to look at other areas of our supervisory structure.

Another area that will require urgent attention is our Monetary Authority. It has been made quite clear that the BASEL Committee on Banking Supervision and other international supervisory bodies . . . even the report that has been done by KPMG, which is a joint report between the UK and her territories, our supervision will definitely have to fall in line with international standards.

One of the things we have to look into in the very near future is the fact that the BASEL Committee on Banking Supervision will not continue to allow us to just

use what is called consolidated supervision, or supervision by home supervisors. We will have to get the necessary resources here so that we will be able to satisfy the international arena that we are able to do our own supervision.

Right now, it can be said that the Monetary Authority has a lot of people in it. But it is believed that for us to be fully autonomous, where we can bring the Monetary Authority to its full independence, we are going to have to be looking at a minimum of at least 100 people. We can't have our cake and eat it too.

The first question is going to be where are the people coming from. If we are to continue to retain our position as the fifth largest financial centre, we will have to find the people. We cannot have our cake and eat it too.

Because of the interest of the *Talk Today* show and the prominence (it's a very popular show, and I would be the last one that would want to stop the democratic process of free expression), but I have always said that with that right must also be the necessary responsibility for what you say. In that regard, I think it would be most appropriate if those who are so vocal with their own views, and so anxious to be so, would tune in to what we are saying here today. Perhaps I could invite my good friend who organises that show, Mr. Val Litchenstein, to get a tape of what was said here today.

I know there will be other speakers. They won't all agree with what I am saying. But the beauty of this House is the professionalism we have here. We can disagree with one another, yet when we sit in that common room we can maintain that (as my friend the Third Elected Member for Bodden Town says) fraternity. That is the maturity we have in this House. We can disagree on the floor, but when we get in there, we can certainly get along with each other.

I mentioned that there were questions about the attachments to the letter being a secret. People said they couldn't find it on the Internet, they couldn't find it here, and they couldn't find it there. I think it's only appropriate that because the FATF, the FSF are all arms of OECD are driven by the G-7 countries that the country should know precisely what we entered into so that the speculation can stop.

People are putting all kinds of meaning to what was done, a lot of which I believe is political posturing because it's an election year. I submit that this issue is too important for people to kick around as a political football. Let's find something else. I know Cayman Airways is stale now, but we can find another political football. This is too important.

This is why we have the backbench and the government bench getting together, working for the national interest of this country. I have even had people say that because I am travelling with Tom, Truman, the Attorney General and Financial Secretary (and Mr. Speaker, please excuse me for calling them by name), but the Minister of Education and the Minister of Tourism, . . . that I am a part of Truman's camp. They have even said that Truman and I are running in the election—after I stood here in this House and made it quite clear that the

First Elected Member for George Town and I will be running on the same ticket. It was even on television and in the papers. Yet, mischievous individuals are going around for political reasons trying to stir up mischief.

You try to do something in the interest of your country, and then you are pounded into the ground. We sent under the signature of the Governor two letters to OECD with an attachment. These are the most important documents that have gone out of this country in a long time.

The first letter was the transmittal letter. Onto that was what is called the committal letter, or a commitment. Some people are asking what kind of negotiation did the five people do because all the letters are the same. It just reflects the ignorance of those people. If they had known what they were talking about, they would know that every line of this letter was negotiated. We got certain concessions that were not even given to some of the European countries that are part of the preferential tax regime. That came through negotiation.

So, for those who say they went on the Internet and all the letters were the same, of course, the basic standard of the letters is the same. But when I read the attachment to this, it will show that even though OECD had to maintain a level playing field, they were not able to do a letter to suit every need but had to do a standard letter that each country should have used the opportunity to negotiate the very best possible arrangements they could have. And that is precisely what we did.

With your permission, Mr. Speaker, I would like to read into the *Hansard* the following.

**The Speaker:** Go ahead.

**Mr. Linford A. Pierson:** The transmittal letter that was written by . . . and I would like to table it afterward, but I would like to read it into the *Hansard* for the sake of the listening public.

**The Speaker:** So ordered.

**Mr. Linford A. Pierson:** Thank you.

The transmittal letter was sent to Mr. Jeffrey Owens, Head of Fiscal Affairs of OECD (Organisation for Economic Cooperation and Development). It was signed by His Excellency the Governor (both letters). It reads: Cayman Islands Advance Commitment to the OECD on Harmful Tax Competition. It reads:

**“On behalf of the Cayman Islands Government I enclose a copy of a letter containing a draft ‘Advance Commitment’ in connection with the OECD's project on harmful tax competition, which has been officially sent to Mr. Johnston the Secretary General of the OECD.**

**“The Cayman Islands has been reassured that the recently published OECD Report on Access to Bank Information confirms that there is a legitimate role for bank secrecy in protecting the confidentiality of financial affairs and in maintaining the soundness of banking systems (see paragraph 1 of the Report). But we also recognise, as noted in paragraph 2 of**

the Report, that the effective administration and enforcement of any laws and regulations, including those on taxation, require access to an analysis of records of financial transactions and that such access is not inconsistent with maintaining the confidentiality of banking information. This is the context in which the exchange of information tax commitment of the Cayman Islands is made.

“Part I of the attachment to the letter of commitment contains a broad outline of the proposed arrangements for tax information exchange and other measures to address the transparency and no substantial activity criteria are contained in Part II of the attachment. We intend to publish the attachment together with the letter of commitment and that these will only be published or released, unless otherwise agreed by the Cayman Islands Government, when the OECD confirms that this commitment is an Advance or Level 1 commitment and that the Cayman Islands will not appear on the OECD list of tax havens when published in June 2000.

“The Cayman Islands understand that on the basis of the commitments made in the attachment letter:

- (1) the Cayman Islands would not appear on the OECD list of tax havens when published in June 2000;
- (2) the Cayman Islands will not be subject to collective sanctions by OECD countries and the OECD will encourage its members to refrain from applying new or enhanced sanctions against the Cayman Islands in its Advance Level 1 Commitment. In addition the Cayman Islands anticipate that:
- (3) OECD member countries would take into account this commitment in the context of discussions taking place in other relevant fora in which they participate and which impact on the conduct of the financial service industry in the Cayman Islands;
- (4) the timetable for implementing the commitments, and for the enforcement of defensive measures against non co-operative jurisdictions, should be applied in a fashion which is consistent with the measures to be undertaken by the Cayman Islands.

“We would also anticipate that the OECD and its member countries will assist the Cayman Islands in promoting policies designed to contribute to the sound expansion of the Cayman Islands in the process of economic development and in helping Cayman meet the commitments set out in the attached letter. Further, we intend to keep the financial services industry heavily involved in the discussions on the application of the commitments set out in the letter and attachments.”

This was copied to Mr. Peter Westmacott, the Deputy Under Secretary of State, FCO.

The commitment letter from the Governor to Mr. Donald Johnston, who is the OECD Secretary General reads as follows:

“I am writing in connection with OECD's project on harmful tax competition. I am pleased to inform you that the Cayman Islands hereby commits to the elimination of tax practices determined by the Forum to be harmful in accordance with the OECD's Report, *'Harmful Tax Competition: An Emerging Global Issue'* (the OECD Report). In fulfillment of this commitment, the Cayman Islands undertakes to implement such measures (including through any legislative changes) as are necessary for the elimination of those aspects of the Cayman Islands regimes deemed to be harmful. The Government of the Cayman Islands commits in particular to a programme of effective exchange of information in tax matters, transparency, and the elimination of any aspects of the regimes for financial and other services that attract business with no substantial domestic activities. Measures designed to eliminate the tax practices deemed to be harmful are broadly outlined in the attachment hereto. Details of these measures and a specific timetable will be agreed with the Forum. We understand that the OECD is prepared to assist us in establishing, improving, or maintaining such practices and procedures as are necessary to comply with this commitment.

“The Government of the Cayman Islands farther commits to refrain from:

- (1) introducing any new regime that would constitute a harm fill tax practice under the OECD Report;
- (2) for any existing regime related to financial and other services that currently does not constitute a harmful tax practice under the OECD Report, modifying the regime in such a way that, after modifications, it would constitute a harmful tax practice under the OECD Report: and
- (3) strengthening or extending the scope of any existing measure that currently constitutes a harmful tax practice under the OECD Report

“The government of the Cayman Islands intends to release this letter of commitment to the public [and I should say that that was done. This letter has already been published, but for whatever reason there are certain individuals out there saying they did not know of the content of the letter and the attachment] and would welcome the OECD's release of this letter after the Committee of Fiscal Affairs reports to the OECD Council on the progress of its work, which we understand is expected by mid-June 2000.”

This letter, like the previous one I read, was written on 18 May 2000.

Now, this seems to be the area that is causing the most concern. Certain individuals were saying that this was not made public. I am saying that nothing could be further from the truth, whether they were able to get it on the website or not is another question. But it was made public.

The attachment to it reads: “**Part I; A. Effective Exchange of Information; The Cayman Islands commits that the effective exchange of information for**

**criminal tax matters shall become effective for the first tax year after 31 December 2003. As regards the effective exchange of information for civil and administrative matters this will become effective for the first tax year after 31 December 2005.”**

And just to show the sort of negotiation entered into by the negotiating team, it was initially requested that the Cayman Islands would enter into an automatic and spontaneous method of giving the information—automatic, meaning that it would be given directly from financial institutions; and spontaneous, meaning that it would be given when considered necessary.

But, Mr. Speaker, in our negotiations we were able to bring the exchange of information on the same basis as is now being applied under the Mutual Legal Assistance Treaty, of which the Chief Justice is the central authority. Information will be given on request and only issued after it has been properly scrutinised by the Chief Justice, the Attorney General in the case where it is referred to him, but not given automatically. This is very important because this is the basis for the FATF and the Financial Stability Forum. And it is all interwoven.

As a matter of fact, between 26 May and 26 June all of these initiatives were poured down on the various countries under an orchestrated and concerted effort. We were able to ensure that we had removed any possibility of fishing expeditions.

#### **MOMENT OF INTERRUPTION—4.30 PM**

**The Speaker:** May I interrupt you for a moment?

**Mr. Linford A. Pierson:** Sure, Mr. Speaker.

#### **SUSPENSION OF STANDING ORDER 10(2)**

**The Speaker:** In accordance with Standing Order 86, I would ask for the suspension of Standing Order 10(2) in order for this honourable House to continue.

**Mr. Linford A. Pierson:** I so move.

**Mr. D. Kurt Tibbetts:** I beg to second that.

**The Speaker:** The question is the suspension of Standing Order 10(2) in order for this honourable House to continue until 7.00 p.m. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

#### **AGREED: STANDING ORDER 10(2) SUSPENDED.**

**The Speaker:** Please continue honourable Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker.

The point I want to make here is that this has removed the possibility . . . and I hope that depositors and investors in this country will realise that there is no reason for them to fear “fishing expeditions” or people coming in here just getting information at will. They will have to go through the proper procedure—

**Mr. D. Kurt Tibbetts:** Due diligence.

**Mr. Linford A. Pierson:** —and due diligence will have to be put in place. That’s a good word, thank you my good friend.

Just so that we understand, the first information that will be given will be in the first tax year after 31 December 2003, and that is on criminal tax matters. Civil and administrative matters will not be available until approximately six years’ time, which is the first tax year after 2005.

The attachment continues, **“The implementation of this commitment shall require that information be provided only pursuant to a specific request [it’s written in here, Mr. Speaker, confirming what I just said] and if such request may be relevant to a tax examination or investigation that is conducted in accordance with the laws of the requesting state.**

**“Requests will be submitted to the tax authorities to a competent authority in the Cayman Islands who will act in a capacity similar to that in which the Cayman Islands Chief Justice has acted pursuant to other international information exchange agreements. [Nothing could be clearer] While recognizing the legitimacy of bank secrecy in protecting the confidentiality of financial affairs, the commitment implementation will provide an effective gateway for the disclosure of information relevant to the request which is held by financial institutions.**

**“The implementation of this commitment will include confidentiality provisions to ensure that information that has been exchanged is adequately protected from unauthorized disclosure.”**

All the checks and balances, all the protection has been put in place. This was accomplished by the negotiating team. I want to add to that, the assistance of the Chief Justice and members of the Private Sector Consultative Committee and others.

Then, the other two areas we had to address, other than an exchange of information (there were two other major areas we were judged on by OECD), was the lack of transparency and the no substantial activities. And we had to give a commitment to that. That’s also contained here in this attachment. I would also like to put this into the *Hansards* and then I will be completed with that.

Part II deals with **“Transparency: Bearer Shares (1) Bearer Shares will be abolished or the identity of beneficial owners of such shares will be reliably available for the exchange of information for tax purposes.**

**“(2) The Confidential Relationships (Preservation) Law 1976 is to be repealed and Replaced with appropriate information disclosure legislation which**

will protect legitimate confidential information and maintain the soundness of the financial system.

**“(3) The Code of Practice under the Proceeds of Criminal Conduct Law, 1996 as approved by Executive Council in 1999, which emphasizes the Know Your Customer Principle is being implemented and will be revised from time to time. Proper and necessary records of beneficial ownership will be kept and retained in accordance with the Code.**

**“(4) Appropriate filing or auditing requirements (subject to de minimis rules to be worked out with the Forum) for foreign owned entities engaged in geographically mobile financial and services activities are to be put in place where they do not presently exist.”**

Where it says “subject to the de minimis rules” if it’s a matter of \$100 an audit is not going to be required for that level of finance. It has to be a substantial amount.

**“C. No Substantial Activities (1) The existing Companies Law, Partnership Law and Trust Law and other related laws will be amended to create one Company, Partnership and Trust Structure, or such laws will be amended to apply equally to residents and non residents in relation to any aspect of ‘ring fencing’ that may exist under current laws.**

**“(2) A policy directive will be issued by the Cayman Islands Government to advise service providers that aggressive marketing policies based exclusively or primarily on confidentiality or secrecy are not in the national interest and should not be pursued.”**

There is no hidden agenda here. We have dealt with this on the basis of transparency. We have given all the necessary information and this was already published. It will be laid on the Table of this honourable House, which really means it will be available to any Member of this House or even the press. But it’s already been made public.

All the attachment deals with are the three major criteria under the OECD Report: Effective exchange of information, which we admitted there was a lack of in our jurisdiction; it dealt with the transparency issue, and the no substantial activities. That is all the attachment dealt with. I hope there will be no more need for speculation or misleading statements, or misinformation on this matter.

The recommended amendments required to bring our house in order in regard to the 25 criteria have already been discussed in the committee room with honourable Members of this House. When each Member had the opportunity to ask certain questions, albeit the time was not as long as we would have wished, but urgent matters require urgent attention. That is why we have had to move with it as we have to expedite the whole process and avoid any unnecessary further damage if there has already been any caused to the Cayman Islands.

The necessary amendments have also been discussed with members of the private sector, the various leading service providers and institutional heads. It has been circulated to Members of this honourable House,

again on short notice, but because of the urgency of the matter.

Before I take my seat, I will say that if these amendments are approved that it is the view of the negotiating team, the secretariat and all our advisors including our US advisor, that these should broadly meet the terms of the 25 criteria. If that is the case, within the not too distant future, a matter of days or a week, we would be getting a positive report that the modified advisory over the Cayman Islands now has been lifted.

I trust that when my honourable colleagues deliberate the various areas of these amendments will do so in the spirit of the national interest of the Cayman Islands and our people. This is not a time to make others look bad. Let us try to do what is in the very best interest of the people of these islands.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I have listened carefully to what honourable Members have said. I have come to the conclusion that what has been said can be interpreted to mean that it will no longer be business as usual for the Cayman Islands.

The last speaker (the Third Elected Member for George Town) said that there were meetings between the negotiating team and the backbench. I want to say, to clear up any misunderstandings, that the negotiating team held three meetings with the backbench in the duration of these negotiations and their travels, most recently on Monday.

If I were to be asked what I would highlight as a weakness, I would say that the negotiating team could have been more amenable to us in terms of what they were doing, what they hoped to accomplish. But I realise that much of that had to do with leadership style. I think that after the meeting on Monday both sides (the backbench and the government, especially the negotiating team) came away with a greater appreciation and a greater respect for the positions of one another.

I want to go to some pain to express that because I am aware that there has been criticism and accusations in the public by some members saying that the backbenchers were telling them nothing and the government was telling them nothing. I also would like to say that I am aware that there are detractors outside who are because of their own interest and motives promoting misinformation, dis-information and mischievousness.

I recognise that these are sensitive negotiations, but the Cayman Islands’ position cannot be enhanced or improved by going independent. Anyone who advocates independence to avoid and evade international obligations and responsibilities is a fool who has no place in this arena at this time or at any other time.

In these cases it is best to present a united front. It is unfortunate, but I think we have gotten our point across and I expect to see a refreshing change in the style. I think that the relations between the negotiating team (and, by inference, the government, and members



of the backbench) will be more cordial and more regular at this time.

Mr. Speaker, I am concerned that enough credence was not paid to the Cayman Islands past co-operation by the OECD and its affiliate organisations and associate organisations because the Cayman Islands has a history of co-operation from the Mutual Legal Assistance Treaty (MLAT) right up until the PCCL. I am reminded by my colleague, the Third Elected Member for George Town, that co-operation existed even before the MLAT. So, one can say that the Cayman Islands were rather harshly treated and roughed up. I would have expected that we would have been accorded a little more honour notwithstanding the seriousness of what is about to be achieved.

I have a great reminder of the position in which the Cayman Islands finds itself, namely, in the history of the Peloponnesian War. We are a small jurisdiction, and we can expect that we will get intimidated by the larger jurisdictions.

I think what has been achieved is commendable. I think we have to continue to present a united front. I do not believe that this is time for any reckless speculation. I believe that we have to try to understand what the obligations are and we have to try to craft a realisation of the way forward because quite clearly some things that we were doing before we will not be able to do again. At the same time, Mr. Speaker, to make up for any contraction in the economy (and I hope that it will indeed be a small contraction), we have to be looking at alternatives. I will say that for the next little while, at least, we may have to focus more on the development of tourism and the benefits that tourism can give us until we can rise to the point where the financial industry has come out of the state of flux it is in.

Mr. Speaker, I do not believe that this is the end of the Cayman Islands as a financial centre. I believe this is but a stage in our growth. And when we come out of this, as I full well expect we will, we will be more mature, more respectable, and just more experienced, and we will have parity with the major jurisdictions. That parity will not be a grudging parity as we have had in the past, but there will be a full acceptance as a colleague, experienced, able, responsible, and willing. I have no doubt in my heart that we are going to get the business back because when people see and understand that we are responsible and meticulous . . . good business, if it leaves in the first place, will return. I don't believe that we are going to have any significant drop-offs. There are going to be some changes but we won't have any significant drop-offs.

Mr. Speaker, the whole business of the transformation of the Monetary Authority is something that we realise would have had to happen some day. It is just that we would have liked to go about it in our own timely way as we have gone about many things in the Cayman Islands. Of course, it is going to impose more expenses on us because we have to hire additional staff and we have to find these and recruit them. So, it is a timely process,

and this only means that we have to be a little more expeditious in carrying it out now.

I would like to commend those persons who gave countless hours plying the transatlantic route, going up to Washington and must have made tremendous family sacrifice—deprive themselves of the holidays and other times they could have spent. To say that I appreciate and I am grateful for what they have done, and while we have some differences and we will remain with differences amongst us, I find myself with no other sensible position than to give them my moral support. I would not be candid if I said that I was pleased with the way they handled the relations between us, but I have already expressed my displeasure with that.

Mr. Speaker, as a responsible representative I have to rally behind them and give them my continued prayers and my continued moral support. I have every confidence that the good ship, Cayman Islands, will do well in the interim. I hope that what has been said will promote a clear and unequivocal understanding and the public will realise that the right to know and this whole business of freedom of information does not necessarily mean freedom to know everything because, Mr. Speaker, even I, a promoter of that, realise that there are certain things that are sensitive. When you are in negotiations, as I realise and respect, and both parties are negotiating for hard positions you cannot disclose everything that has been discussed around the table. I think much of this is based on trust, and I have to say that I have come out of it with the sense that the Cayman Islands will rise and continue to do well in the international financial circles.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I am happy that we are a stage where we can make haste to explain to the general public exactly what's been going on all these months.

I can say that I spent a substantial amount of time and resources trying to communicate to the general public what I believed was the framework within which the government was pursuing the negotiations. I tried to explain to the public what I thought would be the ultimate result of the negotiations. I tried to explain to the public what some of the consequences of the negotiations would be, the commitments, and what we should do as a country to come together to see a new future out of all of this.

But we can give credit to the government's negotiating team for going abroad and spending tireless hours pursuing negotiations. At the same time, we need to understand that it was possible for the government to have informed the people continuously about what was happening, especially since we understand that many persons do not understand the extent to which our financial institutions have been transformed to being institutions that are interested in tracking value and accounting value rather than avoiding and evading taxes.

The government has done nothing to explain the economy of these islands and how that economy is really built. So there are those persons that still believe that the economy is what it used to be back in the 80s when they saw suitcases of money coming into country, when they knew somehow that perhaps we were doing well because we were dealing with people that were not so credible. It has changed. There have been people in our society that have tried—more so than the government—to lend power to the opinion that 80% of the business in this country has to do with the whole idea of value and accounting. In other words, it would be saying that in this world what we are trying to do is to keep track of the surplus value and we what to keep track of how it is transferred, struggled over and how it is allocated.

If we had the vision to see where we are going to be today, then we would have explained to the people all along the way.

I had the vision to know that today would be exactly as today is from the point of view of the explanations. By my television programme, *Public Eye*, and my newsletter, *The New Vision*, I tried the best I could to inform the public as to what the OECD was trying to achieve and why I thought that at the end of the day the government would have to comply with those demands; and why I felt it was possible to comply with those demands and still be a successful financial centre.

Now, the mere fact that people are addressing what is going on on *Talk Today* is simply because there has been a lack of communication. It seems to me that the attitude is that we are not going to talk because somehow we are special and we are privileged to special information. We are doing special jobs and the minor players should not have the same information because if they did they would put the same value on themselves in the game. The whole concept of denying information or not making information available to persons in the Legislative Assembly and in the country as a whole is a very old game.

Then you have best friends who seem to share the information and it seems to work okay in that type of relationship but what about the persons who are not best friends. Thank God I do not need the specific details in order to be able to work out the framework and be able to make conclusions as to where I feel these things will end up. I think the general public will remember that I did a television show where I read out the levels of commitments. So, those that were paying attention to what I was saying already have an idea of what is happening. I think it is only right that the public be given the possibility to know these things.

Now, what is interesting is while the government negotiating team is going to Paris and London and speaking with British Treasury and the OECD in Paris, the FATF which is really from my understanding related to the struggle against money laundering, enough attention was not paid there. The government got off the OECD list. What did they have to do to get off the list? They had to study the commitments—exactly what it would entail, make a decision as to what they thought

the possible impact on society would be and then decide whether or not it would be worthwhile to go along with the commitments. So, once you committed yourself to these particular levels of agreement you were not going to be placed on the list.

I could say that it is probably interesting to know what the people at the OECD headquarters in Paris are thinking, but I believe we could have done with fewer people on the team, saving the country a lot of money. We could have also done with fewer trips. The other side will say, no, that is not true. But this side will say, I believe, that we could have been a little bit more efficient in terms of the way in which we handled this case simply because it was predictable.

Most of the persons who remembered what I was saying from the very beginning with regard to the negotiations will remember me saying exactly what I am saying today, if they are honest. If we have a methodology, we don't have to run all over the place looking a piece of the solution here and there. We can use that particular type of logic to work out and predict the solution, predict the effects it will have on our environment and therefore make a decision based upon that.

If the government spent less time with the OECD using the people who were gathering information for them, processing the information here in the Cayman Islands and at the same time paid some attention to what had been going with regard to the FATF, perhaps we would not have been on their list. We could have avoided being on their list simply by bringing the legislation the government told backbenchers in a meeting yesterday that they wanted to bring in order that we be taken off that list. If it was simply that we draft legislation in our hands already—and it is now on my desk that I can look at one day after they spoke me . . . yesterday was really the first time that I as a backbencher sat down with the government and others to be informed with regard to the negotiations because I knew at that time that the negotiations had been completed and therefore I was willing to have the government brief me as I would not be in any breach of any trust if I then went out and spoke to people. Before that I refused to be briefed simply because I wanted to be able to keep the public informed as to where I thought these things were going.

So, here we have the legislation that we can now discuss. I said the government will need the people of the Cayman Islands to believe that this legislation will do the Cayman Islands more good than not having this legislation. The government of the Cayman Islands needs the backbenchers to believe that the government has achieved as much as could be achieved under the circumstances and therefore we will not argue contrary to their position, which is exactly what we are suggesting here. We will not—at least I will not—be arguing the government's legislation. I understand it is inevitable that we adopt that legislation.

If all these things were there what was the big secret? Why is it that we have to conduct business in the way in which we conducted the business? Was it because we were afraid that some people would get up and

run with their money? Well, if they were going to run with their money three months ago, they are going to run with their money today or tomorrow because the same circumstances still exist. My lesson from all of this is that it is possible to seek the co-operation and understanding not just of the elite members of the financial community but also the co-operation and understanding of the average people in our Caymanian society because those people have the right to know as much as the financial bosses in this country. Those people will be impacted more so than the financial bosses in this society.

Also, I believe that those people are capable of co-operating for the general good of our society. There should have been no lapse in the information process for as long as it took place.

The Third Elected Member for George Town has been very capable in terms of giving an overview of the entire situation, of showing the specifics of the situation, of showing exactly how everything ties together, of proving the point that things are not being hidden from the public at this particular point. I think it is good that he has done that. My position is that I continue to say that this should have been an ongoing process and there is no reason why it could not have been an ongoing process.

I thank the First Elected Member for West Bay for giving the government the opportunity to get up and address this situation. Again, this was not done and this was not activated by the government or by the negotiating team members, this was activated by the First Elected Member for West Bay.

I went into Cox Lumber today. As I was coming out I was asked by a member of Radio Cayman whether or not I would give a statement regarding what took place in the briefing yesterday—since the government had not given any briefing on the result of their trip to Washington in regard to the FATF and the advisory that was put out. There was no specific press conference. I watched the television to see whether or not there would be anything. All I saw was Mr. Pierson, who said where they had been so forth and so on. But I did not see anything from the government representatives.

I said to the person that I did not want to be seen as somebody trying to always jump the gun. I would give the government the opportunity to make a press statement by tomorrow, and if they didn't do it by tomorrow, I would be willing to give him a briefing on the briefing that they gave me. But until that time, I wouldn't do it. This was the government's radio station coming to me—a backbencher at this particular stage—to get this same information that they now have as a result of what we have discussed in here today!

I mean, people can get up and say that my going to the press and saying things is wrong, and that they waiting to say things are right. But, at the end of the day, I think we are mature enough in this country to understand that with modern technology people have a desire to have access to the information that will impact their lives. You have to understand it is their lives that we are talking about.

When you are talking about the Cayman Islands, when you are talking about a country, you are talking about real people and it is the real people that have been asking the question. The question is: Where is our government? What are they doing? How can we be assured that what they are doing is in the best interest of the people? Should we believe them if they say it is? My answer is: We should believe the government. I think that the people can see that there is no difference in my position now than what my position was two months ago with regard to the question of the OECD or with regard to the question of the FATF.

All of these exercises seem to be similar exercises by the same countries with the aim of accomplishing the same situation, which is for these countries to have more control over the question of honesty because the systems are all presumed to be dishonest and we can now make a business of being honest. Just like the accountants have made a business of being honest because corporations are assumed to be dishonest and it is the auditing of the corporations that makes them honest. We see the value of complying. We see the value of being honest. We see the value of getting in on the ground floor, of providing the environment whereby accounting and auditing can be done, where good regulation is possible, where transparency is apparent. All of these things are what will be necessary in the 21<sup>st</sup> century.

There is no way to escape transparency. The world is a global village. It is too small. They can stand in space and see what we are doing down here when we spit on the ground. There is no such thing anymore as secrecy and hiding, especially if what we want to be secretive about is illegal, immoral, and incorrect.

The Cayman Islands as a Christian community has taken up trying to see the plague of money laundering, for instance, of drugs and other immoral crimes contained. We are not being led to the altar to participate—we are willfully participating. And we can identify with the ideology and the philosophy that unless the world's monetary system can be proven to be transparent and more honest there will be more crises—more wars, more plagues, and more addictions.

I am thankful, therefore, that the Financial Secretary and his task force had the approach that as long as Jesus was on their side they would be successful and I think they have been.

**The Speaker:** Does any other member wish to speak?  
The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you, Mr. Speaker.

I think those who have spoken before certainly have dealt with the majority of the issues leading up to the where we are at present. What I would like to do is spend a couple of minutes dealing with the way forward.

As has been explained, the sequence of events has led us to the point where we now have some draft legislation seeking safe passage through this Legislative Assembly. That legislation is, first of all, a revision to the Monetary Authority Law. There will also be an amend-

ment to the Proceeds of Criminal Conduct Law (PCCL), and there will also be some regulations that will have to be put in place, which I understand is going to be called "Money Laundering Regulations."

While we all take different lines with regard to how we see our individual roles throughout the sequence of events, I want to say that where we are at present . . . and certain commitments have been given to specifically talk about the latest advisory that was issued by the Financial Crimes Enforcement Network, which is an agency of the United States Department of Treasury. As complex as it seems, this is simply an extension of the Financial Action Task Force and the policies that they are putting forward. If we can get this amending legislation and get the regulations put in place, it seems that the advisory that has been issued will be lifted and then come October (which is the next meeting of the FATF) we will be taken off the list.

Let us look at what effect that amending legislation will have upon the operation of our financial industry. Without going into a lot of detail, in the immediate term (because the regulatory regime is going to take on a new attitude) the accountability procedures are going to be more stringent. It will mean that the actual cost of doing business must go up. That seems to be a situation that cannot be avoided.

It also means that the service providers are going to have to make certain specific changes in the way they operate in order to comply with the new legislation. There seems to be the thought that this amending legislation needs to seek safe passage through due process in this Legislative Assembly as quickly as possible. While we basically know what has to be done by way of compliance on the part of this Legislative Assembly, I think we need to be more than careful about ensuring that this legislation is understood clearly by each and every one of us.

I am not in a position to dictate timelines because I have not been directly involved in the negotiations. But I do believe that we should use as much time as allowed to ensure that the people who have to operate within the new legislation have the opportunity to digest this new proposed legislation and also have the opportunity for dialogue with government on specific areas that need to be addressed. I don't want to get into specific time because I am not equipped to know how much time we really have. I have to go on a certain amount of trust at this time.

I want government to pay as much attention as possible to the fact that the people who are going to be operating within this legislation have as much opportunity as possible to go through this legislation and make their comments to the government so that government can be assured that everybody is headed in the same direction. One would almost believe that that is a foregone conclusion. But the reason I speak about it is because of discussions I have had with individuals in the financial industry. I don't believe that anyone involved doesn't understand what has to be done. I don't believe there is any question as to what the end result is going to be. I

believe it is all a matter of ensuring that everybody is satisfied with how we get to that end result.

I accept that we will have variations in thought process, and I accept that. Perhaps it is going to be physically impossible to satisfy everyone. But I believe it is important to go as far as possible to satisfy that process. The people who are going to be operating within this legislation are the people who are going to make the whole system work.

I am not standing here advocating any sector. I know that as a representative of the people whatever participation there is on my part in the decision-making process must be fair to all concerned. My short message is let us make sure that we, the legislators—and I mean all of us—understand exactly what we are doing. We are way beyond the time when three or four people in this Legislative Assembly understand what it is and they tell the rest of us "Trust me, let's move on." Nothing like that should happen if for no other reason than the safety of this country. It's not that we don't believe that those people with the clear understanding are not headed in the right direction, but if it was limited to that, only those three or four people would be in here, and that's not the case.

Let us exercise our ability to ensure that it's right. If there are questions to be asked let us ask the questions and let us have the answers. In my view, that is the best way to get the results. I don't think there will be an answer forthcoming right now. It's not that kind of dialogue going on this afternoon. But I trust that as the cards unfold in this process that the members of this legislature will be satisfied that we are using a process satisfactory to all concerned, and the service providers are going to be very important in this process. They are going to be the ones who are operating with the new legislation. They are going to be the ones who are going to have to know what they have to do with the line of compliance.

I think I have made my point. Government is perhaps pondering how best to deal with this. I believe that government is well intended in this process. We have to see how best we can satisfy the minds of as many as possible in the whole process. This is a most important situation. We need to get beyond this.

Something that has bothered me with these very serious areas, the OECD, the Financial Stability Forum, the FATF, the KPMG Report . . . I don't want to say that the country is grinding to a halt. But the management of this country has suffered because so much attention has to be paid to these matters. I am not suggesting it's anyone's fault. But these prolonged discussions, deliberations, and negotiations, our domestic situation begins to suffer.

And because I sit on the backbench and see more inadequacies and I pound on the Minister of Education for what he's not doing, I know that's part of my job. And he knows I am going to do that as long as I believe I am doing it right. But when that's all over, the most important thing will be is my country better off? Let us ensure that after we are finished with all of this that together we can say the country is better off.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I shall be brief, and just enforce what was said by the honourable Third Official Member and the Third Elected Member for George Town, as members of this very important and good negotiating team. As the First Elected Member for George Town has also said, these issues are above politics and too important for the country to involve in politics. Therefore, I think the debate on this matter has to be kept at a high and serious level.

The last six to nine months have been very difficult and gruelling for the team dealing with these negotiations. I am satisfied that we have the best team this country has every assembled. We have our Financial Secretary, who is very capable and highly professional with very good qualifications; we have our Attorney General, a very brilliant legal mind with a lot of experience in this area; our Minister of Tourism, a former Financial Secretary with masters degrees in very relevant areas of the negotiations, very professional; and the Third Elected Member for George Town, a professional accountant, very experienced, very able, very professional. Together we have put in extremely long hours, spending a lot of time on weekends and holidays sitting as a team in the Executive Council room.

I would also like to mention that our Chief Justice, as the central authority for the Mutual Legal Assistance Treaty, has accompanied us in matters abroad where the Mutual Legal Assistance Treaty was involved. I truly believe that this team is the best this country has ever produced.

The untiring work of every member here has enabled us to achieve what we have. Getting off the OECD list—the most powerful international body—where we were among another five out of 47 was quite an achievement. We were one of six countries out of 47 on that list to get off. That shows the ability of this team.

Anyone listening to the Third Elected Member for George Town could clearly understand the professionalism and his ability to analyse situations and to find solutions acceptable to the large countries. We have to remember that the G-7 countries together with the European Union basically control 80% of the world's business. Together they basically run the world. That is a fact of life. The negotiating teams they put together are of an extremely high calibre and very competent. It is not a matter of going in there unprepared. This team painstakingly prepares and looked at every word in the submission we made time and time again. It's not unusual for us to go through 14 different drafts to just get everything right.

Having said that, when we go abroad, it's not only knowing what we are doing, but also who we know in high places in the governments of the other countries. It is important that the knowledge the team has built up—one of honesty and trustworthiness—that we can relate on a one-to-one basis with ministers or top civil servants at high levels in those countries. That was so clearly

brought out when we attended the ministerial conference in Paris where we really learned of this advisory.

From time to time, there's been talk about independence being the answer. That's no answer, Mr. Speaker. I support the member who stated that.

*[Inaudible interjection]*

**Hon. Truman M. Bodden:** I support fully the Third Elected Member for George Town. Don't worry. He knows that and the public does.

*[Members' laughter and inaudible interjections]*

**Hon. Truman M. Bodden:** Oh, yes, and the Third Elected Member for Bodden Town also talked about independence and that it was not the answer.

**Mr. D. Kurt Tibbetts:** Mr. Speaker on a point of order.

**The Speaker:** May I hear your point of order?

**Mr. D. Kurt Tibbetts:** Perhaps I jumped the gun because I am not so sure I heard what the minister just said while I was getting up. And let him clear it before I raise the point of order. I am sorry.

**Hon. Truman M. Bodden:** Mr. Speaker, what I said was that the Third Elected Member for Bodden Town spoke of independence, that it was not the answer to the problems we have here. And that is quite correct. I support that position.

When you look at the list on the OECD countries, the most important list, you will find that it has two dependent countries—Cayman and Bermuda—whereas the balance of that list is nearly all made up of independent countries.

I am not saying that the negotiating team is perfect. But I believe that we have the best team this country can send abroad and the successes we have had, including with the FATF, having that advisory watered down to the stage it now is speaks well of the team.

The other thing I would like to point out is that as the Third Elected Member for George Town has stated, the members of the team have very strong minds and very strong views. There are times when different members will take different positions. But when we go into the negotiating talks, we go in as a united team. There is no hemming or hawing or variation from the position we hold. That's important. It's really that mix of professionalism and very strong character that has given the success we have had.

I don't want to dwell on a lot of the details. I would like to say, though, that I agree with what the First Elected Member for George Town stated, that as much time as we can give to the private sector is necessary. But I would like to point out that with the OECD what the private sector—a group of about 20 to 30 people, the Financial Secretary's Private Sector Consultative Committee—gave us a mandate to go off to the OECD and

negotiate, what we came back with was so fantastically better that it is the first time I have ever seen that group, which includes the Chamber of Commerce and the real estate (it's a very wide group), as well as the financial sector, unanimously agree. So there is no doubt that we did an extremely good job with the OECD.

Today the Third Elected Member for George Town read that commitment. The protection given to business in Cayman is very clear. On the long term, the movement out there internationally is the direction we are going. The long-term future of this country can only be preserved by having the proper relationship with other large countries and international talks with them.

The private sector has been consulted on the FATF matters. I have no doubt that this Legislative Assembly will exercise the professionalism and togetherness it has been known to exercise in matters of such extremely high importance as this, despite whatever political differences we have. We will do as the Third Elected Member and the First Elected Member for George Town said is so important, and that is whatever is right for this country. What is so important is that whatever we do it secures the long-term future of this country. I believe that when the bills come before this House the legislature will do just that.

I would like to especially thank the other members of government, the ministers and the official member not directly on the team, for their advice and help. They remained active with us on this and there has been a lot of consultation with them. These are matters that go through Executive Council first. I would also like to thank other persons who went with us on the negotiations, the director and senior staff of the Monetary Authority and also Chief Superintendent Gibbs from the reporting authority, the other members of the secretariat and the advisory group within that and all of those who assisted throughout.

The way to move forward on important matters is jointly with everyone's advice. All I would say is that I hope and pray that God will continue to bless the talks we've had abroad and to bless this country and its people.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony Eden:** I wanted to take my hat off to the negotiating team. I did not go with them on any of their trips, but I sat with them a few months back and watched them perform in a brilliant manner. There were some rough edges at first, but in the end when they came together, they were a very well oiled machine.

I don't have to tell any member here how strong-minded some of these individuals are. At times there were confrontations. But I am proud of how they came together in the end.

I must pay tribute to the leader of the team, Mr. Truman Bodden, the Honourable Minister responsible for Education, Aviation, and Planning. I went with him to the

UK when he dealt with the PCCL. I can tell you that he made this country proud.

The newest member of this team, who almost seems like a Caymanian, is the honourable Attorney General. He brought a stature to this parliament that we've been waiting for for a long time. And my good friend the diplomat, the Third Elected Member for George Town, always seems to sooth the waters. We all know that the Minister of Tourism has abilities proven throughout. I think the Fourth Elected Member for George Town alluded the great faith our honourable Financial Secretary has taken into all of these meetings.

We've come a long way, and we still have a distance to go. But we are gradually closing that gap in a manner that the Caymanian public will appreciate. Our position no longer allows us to stand by the sideline and make promises. We are now in the big league. We have to play with the big boys in the manner they demand. We can no longer make promises. They want to see action. That is what this negotiating team has been able to put forward for these Cayman Islands.

I feel confident that as we go forward to address the areas required by the FATF that with God's help and the support of this Legislative Assembly we are all committed to making this thing work. And it can only work with the cohesiveness that is now being demonstrated in this legislature. I just wanted to pay tribute to the negotiating team and to say that with God's help Cayman will continue to ride the success we have had in the past.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** It's fairly easy for me to say that I concur with the comments made by the honourable Third Official Member, the Third Elected Member for George Town, the Honourable Minister responsible for Education, Aviation, and Planning. I can even go so far as to say that I agree with the comments made by the First Elected Member for George Town.

But I think that while the details have been ably presented, it is also important to look at the strides the Cayman Islands have made over the last 16 or more years. I would consider three, or maybe four major steps in the development of the Cayman Islands. Those of us who were present in 1984 and 1986 remember how controversial those movements were as well, when we dealt with the Narcotics Agreement and the Mutual Legal Assistance Treaty. They were not easy items to sell to the financial community or the people of this country, or to legislators to a great extent.

It is heartening to see that on this occasion there is an understanding that this is our future, this is a national item. This is an item that we also want to present with great care to ensure that the financial community responsible for working the amendments to the legislation and the regulations is given sufficient time to understand them thoroughly, understanding of course that not everyone will agree and not everyone will require the same amount of time.

I believe many of the players are in agreement at the moment. Sometimes it's good to give a little more time for them to dot the "i"s and cross the "t"s to make sure they are comfortable with what is put forward.

I believe the First Elected Member for George Town said it's not an issue of what we have to do. We all understand, including the financial community, what has to be done. We just want a little time to look at the legislation and be comfortable with it. This country has moved to another level. It's almost 11 years ago, maybe more, that *Euromoney* magazine disclosed that the Cayman Islands was the fifth largest banking centre in the world. When we reach that level, it requires a degree of responsibility.

We are also aware that everything is changing, including the world of international finance. I think many countries are concerned about e-commerce and the speed at which goods and services are being done through that technology.

Like others, I believe that the team representing government is a very good, very able, team. I believe that most Members in this House believe that what the team has done and will do is in the best interests of this country. We have a responsibility to try to chart the course of this country through turbulence to make sure that the prosperity we currently enjoy continues to abound for our children and theirs. If we are able to accomplish that, I believe that history will record us as having made our mark in this country for the future generations to come.

We know that tourism and financial service business principally drive the economy of this country. Any change causes some anxiety. Certainly that's running today. But I believe that what is being put before the financial community and the people of this country is the answer for the survival of the Cayman Islands in the world of finance.

It's always easy to make negative remarks. It's a lot different when you are in the driver's seat and you have to make the decision. I believe the team has consulted on every occasion before leaving this country to understand the input from the financial community on various matters. It is that approach, and the one reason why the Financial Secretary created the Private Sector Consultative Committee. We should hear the views of the practitioners on any item of significance affecting that industry.

I must offer my grateful thanks for their input and for their frankness, and for their tenacity in holding on to a particular point as well, because sometimes it caused us to think a little bit more about that particular item.

It is now Cayman versus the Globe—we are competing at that level. We have to ensure that whatever is done is done in the best interest of the Cayman Islands in the long term. We have been playing in the big league. We will continue to be in that league as long as we pay attention to what is happening in the metropolitan countries, particularly the G-7.

It's very difficult to predict where we are today. Two months ago we weren't where we are now. Lots of these things came together all at once. Whether we speculate

analyse or extrapolate we may arrive at the same conclusion: This is a concerted effort by G-7 to put all of us with some degree of anxiety and pressure. But I believe that what has been carefully thought out and presented for the Cayman Islands has charted a course with OECD.

**The Speaker:** Can I interrupt you for a moment? We have to change the master tape.

#### MATER TAPE CHANGED AT 6.03 PM

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works, please continue.

**Hon. Thomas C. Jefferson:** I believe the negotiating team charted a course for this country through the turbulent waters of the OECD. The point to repeat, and repeat, and repeat, is we were given what we thought was adequate time to negotiate. When we came to FATF there is no justification for what they have done. They didn't come to the Cayman Islands. They didn't consult the government. They decided to put this report together on the Cayman Islands from information they said was available to them.

Even when you've done that, it should be the starting point. But in all equity and fairness, you should then come to the government. If you don't want to fly down here, send the document. Allow some time for the document to be properly perused. I can say with no fear of contradiction that that document was riddled with erroneous information. Even after sending information on two occasions to correct certain inaccuracies in the report, the present report still has errors in it. The items we sent were not taken into account 100 percent.

The next move was we had an invitation to respond in a few days to an invitation to come to Miami, and they were going to give us one hour and a half to make our presentation. We had to answer one question. And we spent one and one half-hours answering the question. They then extended the time closer to two hours, and without being in any way negative or belittling anyone, I observed them scratching around as to what to ask us after the presentation. I thought the presentations done by the Minister of Education, the honourable Attorney General, the honourable Chief Justice of this country, by the Head of the Financial Reporting Unit and the Head of the Monetary Authority were nothing short of excellent.

We even got a little acknowledgement from one of the members that he believed he had made an error in his assessment—which was included in the report.

Then they rushed off to Paris to their meeting. They made their decision to list the Cayman Islands. Then what do we get? We were invited to Miami to answer one question. They put us on a list when the President of that organisation, Phil Galval wrote to us to say we were on that list because there were five items we were weak in. If that was so, why did they not invite us to Miami to speak to those five items?

I agree with the Third Elected Member of George Town: We are the sacrificial lamb in all of this. Any person who examines the details of what went on here will come to the conclusion that there was no fairness, absolutely none, in the way they went about this exercise.

This exercise with FATF versus the exercise by OECD was like apples and oranges—totally different! One had some equity and the other had none, as far as Tom Jefferson is concerned. If I am going to be judged and I have some weaknesses, then do it fairly and I will accept it. And I will do my best to correct it. We didn't have that opportunity. They called us to Miami and gave us one and one half-hours (extended to two) to give a presentation. They asked one question and then told us we failed their Paris meeting because of five items we had weaknesses in.

*[Inaudible interjection]*

**Hon. Thomas C. Jefferson:** As we progress in life we become more mature and mellow and we don't do things we did when we were younger. Sometimes we control our anger and develop more discipline. In life, diplomacy is very important. You can basically make the same point without being in any way rude or discourteous.

Those who wish to use this item as a political item should be rejected by the voting public of these islands. That is not in the best interests of this country. Just in case I wasn't heard properly, I will repeat it: Those persons—including those out there on the marl road calling into *Talk Today*—who wish to use this item as a political item, the voting public of the Cayman Islands should reject him or her. If we listen to that person we are endangering the younger generation and those to come after them.

When we look around the world, and even around the Caribbean, none are at the level of the Cayman Islands. The quality of life in this country is equal to any place I know. I heard Sweden has the highest standard of living . . . I wouldn't know because I have never been there. But I do know that if you look at Europe, the United States, Canada, and some countries in the South American Continent, even Australia, and even the United Kingdom—let's exclude Scotland for now *[Members' laughter]*—they can't beat the standard of living in this country.

As a matter of fact, just to be truthful, I believe they are all jealous. Sometimes in the background of all of this you can think about a little jealousy too! How can a little country with 100 square miles have 570 banks, and over \$600 billion on its books? This is how it started back in 1982, they came at it by narcotics. And if you think it was an easy time then, we had a deputy manager of one of the major banks in this country being transferred to another job on the West Coast of Africa. When he reached Miami, they held him and put him in jail for four days. When we had lawyers going to Houston to play Cricket and a man walked on the Cricket Court and handed him a witness subpoena. We had the federal prosecutor issuing witness subpoenas to Bank of Nova Scotia in Ft.

Lauderdale to get information on The Bahamas and the Cayman Islands . . . those were difficult days.

But, guess what. We survived it! We survived it by working together. As I have said before in this House, there is no issue in this country that when we put our heads together to deal with it and make it work for our people . . . I say we have a history of doing that. There is no reason we can't do it on this occasion.

So, Mr. Speaker, I want to thank each and every one who participated directly or indirectly. Sometimes we forget how many hours those persons who draft legislation work. Let's not forget them. I am sure the Attorney General will pass the information on, but I want to make sure we all say this publicly. Even the people who work in the Glass House . . . the courtesy extended, the coffee served just to keep us moving on. All of that is an integral part of the accomplishment.

I want to continue to pray that Almighty God continues to pour down his blessings and anointing on the people of the Cayman Islands.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** I would like to thank the First Elected Member for West Bay for bringing this matter to the floor of this House. I believe when the public listens to this debate tonight they will understand more clearly what has gone on. I understand much better what took place and where we have reached after listening to the members of the negotiating team. I would like to thank them.

I would like to echo the words of the First Elected Member for George Town when he stated that we must take as much time as we have available to look at this legislation. This is very important legislation for the future of these islands. I believe that we should make sure it is correct.

I would also like to say that we must give the small service providers in this field every opportunity to look at this legislation also so that they may get their houses in order.

This is an election year. I say to those inside these walls and to those trying to get in here, let us handle this OECD and FATF situation very professionally and very carefully or there may be no need for any of us to be within these walls after the election in November 2000. When we campaign, we all say that we are putting the future of these islands first. Let us do that today until these matters are resolved.

I was happy to hear the Third Elected Member for George Town touch on the matter of independent countries. Sad to say, it was brought to my attention yesterday that at a function held in my district every other Tuesday for the elderly, my opposition decided to use the OECD as a political campaign. An elderly person called and told me he was told that if we do what is required by the OECD and FATF that banks will pull out of these islands and the money of the elderly will go with these banks. It is very frightening when we are prepared



to frighten our elderly into supporting us. I will never stoop to such irresponsibility.

They were also told that it's time for us to go independent. The Third Elected Member for George Town handled that this morning, so I need not repeat what he said. But independence is not the answer. The answer to the OECD and the FATF is for every member in this Chamber to join hands to see that the proper solutions are put in place whereby this country will continue to prosper and offer our people a decent living.

If we don't handle these situations carefully at this time . . . and I happen to be a grandmother. I would like to see the future of these islands well prepared for them to reap the benefits when I am gone. If these situations are going to be used as political gain, these islands are in for a sad future.

I am sure that those people out there who are voting will realise that these people are using everything they can. They have no idea what will happen to these islands, and some of them don't care, as long as they are elected. I would say to the voters of these islands that we must be careful that we do not just support people because they have nothing else to offer other than to send us further down the ladder.

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** I just felt compelled to say a few words. Although much has been said here this afternoon in regard to the OECD and FATF and other matters, it all boils down to one thing—God has been good to us. We are truly blessed.

We are fully aware of the Financial Secretary's faith, which he expresses daily. I know he has spent many hours on his knees. It has certainly been a rocky road for the five-man negotiating team, but I think we have to put our faith and trust in the ability of each of these capable men. They will continue steer the good ship Cayman in the right direction.

From what I have heard here today, I am happy to say that I am proud of this negotiating team. They have certainly represented us to the highest and I am indeed comfortable that they will continue to do so. I will only ask for God's continued blessing on each one of them and on the Cayman Islands.

**The Speaker:** The Honourable Second Official Member.

**Hon. David Ballantyne:** I just want to add a few words of my own to what's already been said. I hope it will complement the general mood of the House.

I am the most recent arrival, and I appreciate the comments that have been made. The group that I formed part of is a strong-minded group—both individually and collectively. It needs to be because the international initiatives being mounted in respect of so-called tax havens are very strong initiatives indeed. The FATF has some 26 countries as members. The OCED has some 29. These are mainly the developed nations of the world.

Given the metaphors relating to the sea, I regard them as a series of waves that have come at the Cayman Islands. When I worked in the South Pacific in one of the most remote islands and smallest nations in the world, they had excellent sea-faring men there who could guide small boats through the reef. The way they did it (and I could never hope to emulate it) was to watch for the wave. And when the wave came, they would catch the wave and it would take them through the channel, through the reef, and safely to shore—along with all their passengers. In a way, you might think that is something along the lines of what we are trying to do here.

I believe that the OECD wave has already been caught and brought under management satisfactory to the OECD and, ultimately, hopefully satisfactory to the people of these islands.

We have been on the high seas with the FATF. And to some extent, we may still be. But I believe that the solutions are here and that we can achieve them if we are prepared to catch that wave at the right time. I think that time is now.

Time is of the essence. I think we all understand this. But the most important factor I see in this is not really so much the legal issue, but more the issue of maintaining confidence in the Cayman Islands and its present and future prosperity. That involves not just taking members of the Legislative Assembly along, but also those in the wider community, particularly the financial services industry. So, I support that we work together with them and Members of the House in a collaborative way so that they fully understand the implications of what's being contemplated.

Much of this is not really new. Much of it represents a mandatory code of practice, if you like. The balance represents international cooperation, which is what you are expected to do if you are part of the global community. The Cayman Islands is obviously determined to be and to remain a part of that community.

I would simply say that I think a very eminent figure had the expression that to work is to pray. If that's the case, we've been doing a lot of praying! I believe that by working through this we will come to solutions that are acceptable not just within the islands but without the islands, and to be able to hold up our heads in a credible and respectable way and be believed and respected as I believe is already the case in many quarters.

But as was said earlier, in order to play in the big league, you have to play by big league rules. The big league rules are the international standards that prevail. If there is a question mark as to whether we do or do not comply with them, in my respectful opinion (which I think is the view of the group), we have to put that issue beyond doubt. The proposals that will be discussed here over the next few days will hopefully do that.

I am glad that the opportunity has been taken to distinguish the various initiatives, the OECD from the FATF initiative, and the KPMG issue. We are trying to anticipate the KPMG issue with some of these proposals. They will not just serve the purposes of the FATF initia-

tive they will go a long way to meeting the potential for comment in the KPMG review.

I would simply remind us that it's not just passing laws or bringing regulations into force; it's about the implementation of them. That point was well made in the United States recently. Therefore, we need to put measures in place. We need to talk about them first so that they are well understood. But commitments have been made—not just as to what, but as to when. And while I don't wish to emphasise the speed at the expense of understanding, I think we need to do both.

I can only finish my brief contribution (and I hope it will be a continuing one) to echo the motto of my old school which is "Omne Nunc Arti Magistra," which is Latin for "Now with all Masterly Skill."

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** This has been a marathon! I would certainly like to thank you for your patience for allowing members to speak their minds and their feelings while there was no question before this honourable House.

I am glad that members have spoken. There was a real feeling that something awesome happened here! When I saw this matter of the G-7 and the various international initiatives they have put forward, when I saw them raise their heads, I felt that the old way of doing business in these islands would not be the same. An era in the world was passing. Perhaps we should accept it and do what is necessary to live and have our being.

No one knows with any certainty what is going to come next. The truth is that when this country gives one concession, the goalpost is shifted. That's what I have observed. As an international business centre, we are watched every day and every hour by the world. I don't think that this House or any other institution, or anyone, should pull the wool over the eyes of the public in any way, shape, or form.

These Islands sit in a precarious position. Tourism is having problems. And we have to be vigilant with these measures taken against the financial industry. We have to be watchful. We have to take the necessary steps to be transparent because that is what the world is demanding from us—that is, make the Monetary Authority really independent, and that is also to make members of Executive Council remove themselves from boards for which they don't own anything. Then the financial industry, with a sufficient regulatory system, will be that much better off to implement those things they have asked us to implement.

When we do that, make sure that what we are implementing is not just for one side of the fence in the financial industry. In other words, that what obtains for the big business obtains for the small man also.

Mr. Speaker, what the G-7 has said is clean up your act. It is of no use to say that we are a sacrificial lamb, as someone termed it. What else do we expect? We are but a pawn being moved here and there as we have always

been—that's a fact. But we do not want to stand up and say *'leave us alone a little bit.'*

Mr. Speaker, for one thing we cannot fight the G-7 and we cannot go independent. Mind you, in recent times I have heard that flung around a lot by people who have never really talked about it before. It's being freely talked about today. But I am not going to agree with any candidate using these issues for the basis of independence. Never!

I listened to what the [Third Elected] Member for George Town (who was on the team) and the Financial Secretary said. They really outlined their position. We are on two hit lists out of three. Now, I think the team failed there. And to say that the islands sent its best . . . let's just be smart and say it sent *some* of its best.

But for all that, we have to pull together. As I said when I resigned from Executive Council, this issue is bigger than me. It is bigger than politics. It is bigger than a role in Executive Council. These are the islands we love, live in, move, and have our being. This is our home where we want to be. So, we have to pull together on this issue—all of us.

Mr. Speaker, we are being bombarded. The ship Cayman Islands is in rough waters. Having listened to all that has been said in here and to what has been said and done on the outside, what worries me most is that there are some people—and they have more means to be heard than sometimes those of us in this House—who know it all and who have an answer for everything. They have the cure in their hands.

Seeing that we are bombarded, seeing that we are having competition from our biggest source of tourism, seeing the financial industry has its problems, what worries me is that these people are saying they have the answers. Where will the funds come from to run the country when there is this attitude that we don't need developers and investors? Where are the funds going to come from?

You see some of them are too young to remember some of the things that happened in our region. I remember a certain country saying to the investors there, *'We don't need you. Go! There are one hundred flights. Go! We don't need you.'* We used that dollar. Today, where is our dollar? And where is their dollar? We welcomed it with open arms. Maybe we did not do the right things, but our people prospered.

What worries me most in what I am seeing, is that we have those people who don't want this and don't want that. Let no one say that times are not changing. I certainly believe that there will be a state of flux for some time. Yes, there is going to be some hurt. And I think we need to say that because I believe that. But if we have that state of flux and you drive out investors and you drive out development, who pays the bills to educate the children? Who pays the bills to build the highways that they want? Who pays the bills to get the schools that they want?

Mr. Speaker, I would urge our public to listen carefully to who is saying what. I would say to those on the negotiating team, in fairness to democracy, if the politi-

cians in the team thump their chests (as some will probably have a right to do), then what do they believe the politicians on the outside of this House are going to do in this election year? I will just leave that in the air.

We are blessed. There are no two ways about that. God has had his hand on our country because we have been a God-fearing people. It took guts, understanding, and patience to get us where we are. I for one will not mislead anyone in this election year. If I have to lose my seat, let it be so. I have served for sixteen years and I accomplished a lot when there were those who felt I would not have accomplished anything.

I am going to say to the public, be careful of whom you are talking to and who you are listening to, and who you are getting information from because some of them will say and do anything in this election year.

It is bad that all of this has happened in this election year. That is the sad part of this. If these negotiations were at any other time it might not have been as hyped up as it is. When we talk about the other times, 1982 as some ministers spoke about, and 1986, I was in this House some of those times and there was no hype. But it is an election year. Obviously, people are disgruntled about many things, and that is democracy and that is the way it is. But I am going to say to the public, be careful of who you are listening to.

Mr. Speaker, I think the government has been lax in letting the public know what is fact and what is speculation. I am saying this with no indifference to other members. But the two members, the Financial Secretary, and the Third Elected Member for George Town who outlined the position, I think have made matters clearer. That is why I took the initiative to rise today on a matter of urgent public business, and I thank them for it.

Again, I think the House should say thanks to you for your indulgence and your patience for allowing us to speak our minds while there were no question before the House. Thank you.

**The Speaker:** I think that concludes the deliberation on this. Is it the will of the House that we adjourn at this time or do we go on with private members' motions? The Honourable Minister for Tourism, Commerce, Transport and Works?

**Hon. Thomas C. Jefferson:** Mr. Speaker, I think we have a willingness to go home.

**The Speaker:** Will you just move the motion for the adjournment then please?

## ADJOURNMENT

**Hon. Thomas C. Jefferson:** I am happy to move the adjournment of this Honourable House until 10.00 tomorrow morning.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 a.m. tomorrow. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The Honourable House stands adjourned until 10.00 a.m. tomorrow.

**AT 6.45 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 13 JULY 2000.**

**EDITED  
THURSDAY  
13 JULY 2000  
10.34 AM**

*[Prayers read by the Fourth Elected Member for George Town]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**The Speaker:** I have received apologies for absence from the Honourable First Official Member who is on leave. The Honourable Second and Third Official Members will be arriving later this morning, and the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources will be arriving later this morning. The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture is overseas on official business, and the Fourth Elected Member for West Bay is not well.

**The Speaker:** Moving on to item 3, Questions to Honourable Members/Ministers. Deferred question 24 stands in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 34**

**No. 34: Mr. Roy Bodden** asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning what requirements must be completed in order to graduate from the John Gray High School.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The requirements to be completed in order to graduate from the John Gray High School are as follows:

1. Students must maintain a satisfactory effort performance throughout their three years of senior schooling. The performance grades for effort range from 1-5 with grade 3 being designated as satisfactory. The grade description for grade 3 is described as 'meeting minimum requirements.'

2. The second requirement is that students must maintain a satisfactory conduct grade of 3 or above.

3. Attendance must be 90 percent or above. Excused absences are not held against the student, eg, medical notes or legitimate written excuses from parents/guardians.

4. The student must not accumulate a total of more than 14 suspensions during his/her schooling at John Gray High School.

**SUPPLEMENTARIES**

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable minister tell the House whether the performance grades have to do with any final exam in the final year of school, or does it have to do with accumulative effort of the number of years spent in the high school?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** It relates to achievement over the period. Tests are included, but the final exams many times don't come until quite late.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Are we then to understand that there is no set standard exam that all school leavers sit?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The standard exams at the end, the results usually come back in August. Those obviously can't be used for the graduation, which is in July. But there is testing and achievement assessment throughout the three years.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable minister say whether any consideration has been given to requiring all students to sit an internal exam prior to their sitting the external exams so that at least there could be a recognised exam that all of the students sit in addition to the external exams?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** We have testing and assessment, which are joint methods of doing this. If the honourable member is referring to the American SAT, for example, while that is given to students who wish to take it, it's not mandatory.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Can the honourable minister say how a grade in the area of satisfactory effort performance is determined? And who is responsible for determining the criteria for graduation?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The school's academic committee determines these grades and they are basically as follows: 1 is excellent; 2 is good; 3 is satisfactory; 4 unsatisfactory; and 5 very poor.

The Education Council set the criteria here. In other words, you are asking who determines the 90% policy. The Education Council does.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Would the honourable minister agree that this effort performance grade is somewhat subjective? Can he maybe give us a little more detail on how that is arrived at?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The teachers who deal with this grading are teachers who normally have to grade testing and grade the students anyhow. They are competent and qualified to grade. It is done over a period of three years which I believe is a fairer way and gives more consistency than a one-off test that perhaps the member and I were used to. On a day that you were ill or something, you could do very badly. This is one of the things constantly kept under review.

The other thing I must say is that we have seen that education over the years has moved more to a highbred of the English pure test and the American assessment only to where it is being bridged and there is part testing and part assessment. I think the balance is good.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Can the honourable minister say whether or not this situation is communicated to the students during the year? For example, if a student gets a 4 as far as effort and his attendance is 86 rather than 90, what happens? Do they sit with the student and his parents?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Approximately every ten weeks they are graded, and the grades are given to them, discussed with them and with their parents and guardians. So there is consistency in that and these can be followed through the child's period in school.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I noted that there are four requirements here to be completed. But we don't have any requirement that is academic. Can the honourable minister say what the academic requirements are for graduation?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The requirements include the performance grades. These grades would range over the whole range of subjects, whether academic, vocational or otherwise. Then there are the others, satisfactory conduct, attendance, and discipline.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** What I am really trying to understand is if there is any assessment at all of the academic ability of the student before he passes out of the system.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Yes, there is. I mean, there is the Caribbean Examinations Council, there is the GCSE . . . and let me just say this. Maybe this is what the member is referring to: If there is a special needs child for example, that child's assessment would be done in relation to that child's special needs. He would not be penalised because of those special needs, but the assessment would still be done.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I believe honourable members would like to find out if it is a fact that all of the students graduating from the John Gray High School take these external exams?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** All except a very small number of students take some external exam. Remember

that there is a broad range of external exams. There are the two different grades within CXC. There is the Certificate of Education (COE) that some take, but by and large, with the exception of a small amount they take some type of external exam.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable minister tell the House what provision is made for that small amount? And can the minister also give the House an indication of the number in this so-called small amount? What provision is made for them to take some kind of academic assessment or exam?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I understand it is probably ten to 12 (in number) that will not take . . . let me just say that I have tried to answer these questions to try to get . . . and these are the last of my questions. But I have one handicap with this. I don't have my principal here, I don't have my chief education officer, I don't have my deputy. But I decided that I would answer the balance of these questions today. It's ten to 12 students who don't sit it. Those who do not sit some type of external exam are then tested internally at the school.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Would the honourable minister expand on the type of test given to these ten or 12 students? Are these students tested to ensure that when they leave high school they are qualified in the 3 R's so they can go into the workforce and land a job?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I don't have the contents of those tests. I will have to get those and get them sent to the honourable member.

**The Speaker:** Are there any further supplementaries? If not, we move on to question 35, standing in the name of the Third Elected Member for Bodden Town.

### QUESTION 35

**No. 35: Mr. Roy Bodden** asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning to state the terms of reference given for the Millet Report.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The remit of the Education Department was to review the organisation, administration, efficiency and effectiveness of the Education Department in the light of their self-assessment report; make recommendations for improvement and prepare a report with executive summary for the Honourable Minister of Education, Aviation and Planning.

### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable minister explain the procedure for that self-assessment report?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The best I can do on that is what Mrs. Millet stated, the approach to the review is similar to that already used by the Cayman Islands School Inspectorate, namely, internal self-evaluation by the department followed by external review. She also stated that the working methods for the review were as wide-ranging and consultative as possible.

As I understand it, the department would look at its different functions, its purposes. It would do an evaluation, look at its strengths and its weaknesses, and they would then do . . . what it does is really force a person to look at himself and say this is the weakness in what I am doing, these are the strengths. It's part of the process of accountability, and I thank the member for helping me with that.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable minister say whether such a review had been previously undertaken during his administration?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** You know, my Permanent Secretary, Mrs. Basdeo, and I pioneered the strategic planning process many years ago. I am afraid this is probably the first time any department of government has been through this type of assessment and inspection that I know of. Indeed, it's the first time all of the schools had been subjected to an independent inspection.

So, it's a novel thing. And the answer is, no, I didn't do it before. But I don't think anyone else has done it. In fact, one good day I think it may be good for us to do it within the Legislative Assembly and get an external facility to try to look at some of our weaknesses—like spending so much time in here on questions!

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, does the honourable Minister of Education realise that the electorate does that every four years?

**The Speaker:** Do you wish to reply honourable minister?

**Hon. Truman M. Bodden:** Not really. That was meant to be very light. I am glad the honourable member took it in that way.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** When we talk about this self-assessment report (and the answer stated "was to review the organisation, administration, efficiency and effectiveness of the Education Department in the light of their self-assessment report") . . . is that to say that the review by Mrs Millet was on the results of the self-assessment report? Is that the case?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** That had to be taken into account. But then Mrs. Millet did her own independent assessment, the same as the Inspectorate would do.

It looks like the department undertook self-assessment and as a result sent questionnaires to principals and teachers. Responses by staff of the department, by teachers and principals identified a series of issues for action. So that was done, and then Mrs. Millet in considerable detail went in and looked at the weaknesses.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** What I was asking has not been answered. The substantive answer said "**The remit for the review of the Education Department was to review the organisation, administration, efficiency and effectiveness of the Education Department in the light of their self-assessment report, make recommendations for improvement and prepare a report with executive summary for the Honourable Minister of Education, Aviation and Planning.**"

In my view, this limits the process employed by Mrs. Millet to the results of the self-assessment report. I am not suggesting that is the case, that is the way I interpret the answer as written. If that is not the case, the minister has said that Mrs. Millet dealt with the weaknesses in this self-assessment report and then went in and examined those weaknesses.

I am trying to determine if there was any other methodology employed by Mrs. Millet when it came

down to actually doing the review, and it did extend beyond the answer given. If so, give us some information on that please.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** What I understand "in the light of" is the same as "having regard to." In other words, her assessment had to take into consideration the self-assessment. But it is not limited to that.

When the member sees the report he will see the detail. It went way beyond that ambit.

**The Speaker:** I would appreciate a motion for the suspension of Standing Order 23(7) & (8).

### **SUSPENSION OF STANDING ORDER 23 (7) AND (8)**

**Hon. Truman M. Bodden:** I move the suspension of Standing Order 23(7) & (8) to allow Question Time to continue.

**The Speaker:** I shall put the question that we suspend Standing Order 23(7) & (8) to allow Question Time to continue beyond the hour of 11 o'clock. Those in favour please say Aye, those against No.

**AYES.**

**The Speaker:** The Ayes have it. Question Time will continue.

**AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11.00 AM.**

**The Speaker:** Are there any further supplementaries? If not, we move on to question 36 standing in the name of the Third Elected Member for West Bay.

### **QUESTION 36**

**No. 36: Mr. John D. Jefferson, Jr.** asked the Honourable Minister responsible for the Ministry of Education, Aviation and Planning if the Millet Review of the Education Department has been completed and, if so, when will the report be laid on the Table of this Honourable House.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The Millet Review of the Education Department was completed on 20 April 2000. It is presently being reviewed at ministry level and will be laid on the Table of this Honourable House during, or before, the Third Meeting of the Legislative Assembly in September.

**SUPPLEMENTARIES**

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Can the honourable minister give us some detail on what he means by “being reviewed at the ministry level”?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Yesterday I dealt with the details relating to this. As with the Inspectorate Reports, there is consultation on the report, a consensus is attempted to be reached in as many areas as possible. The other thing is that we have the old Chief Education Officer leaving. We have Mrs. Nyda Flatley the new Education Officer coming in. And also the Chief Inspector is going out, and we have Mrs. Rodrigues, a Caymanian, coming in. We felt that a bit of time should be given to have some settling of these two (very important and critical to the report) in place to deal with that. Then we present it. And in the September meeting I would like to present the results of those consultations.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** If I understood what the minister just said, that has no bearing on the tabling of that report. Can the honourable minister explain how simply tabling the report will have any bearing on the functions of these new people? Can it be that the minister is buying time to try to deal with some of the issues in the report before he tables it? There can be no reason why the report can't be tabled as the minister has said to us that he was going to table the report in this sitting.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** When I table the report, along with it will go an action plan, as is done with action plans when schools are inspected. It will say what is going to be done to deal with the matters.

Looking at this politically, tabling it near the election is worse than tabling it now. So, if I was looking at this from a political point of view I would never have done this report. Remember that this is totally new. I am now inspecting and have had the bravery to not only inspect the schools of this country and make it public, but now I am inspecting the department—something that hitherto had not been done.

I have nothing in the line of politics to worry about. I will put it out and I will take my political licks as they may be. But I am going to do it right. That's what's important to the school system of this country—that it is done right. If that means political loss, so be it.

One thing that can no longer be leveled at me—and I notice it is never leveled anymore . . . they wanted transparency, it sure is as transparent as it comes these days. Every school, and now the department . . . there's nothing left to be transparent. Maybe that's the frustration.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I can assure the minister that there is no frustration.

Can the honourable minister categorically say whether any attempt will be made to address the recommendations between the time the report was received and will be tabled? If the answer is in the negative, can he tell the House why he has not moved to save some critical time by dealing with some of the recommendations within that time frame?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Action plans will be drawn up. That takes some time. That's why I explained about having a new Chief Education Officer just coming in now, and having a new Chief Inspector just coming in now. There are also budgetary aspects of this that will not be implemented until that area of the budget is passed. But I don't think it would be right to just come out with a report without doing this comprehensively and giving the department a right to look at this and the solutions to some of these problems. I am certain the member will get it in September—real close to the election,

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Let me ensure that the minister and the House understand: It is not true to say that nothing is being done in the interim. The minister is saying that the action plans are being put together, budgetary proposals are being arrived at and when the plan is tabled then all these will be in place, hopefully. Is that correct?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Yes, Mr. Speaker, as much as I can get. As a teacher, the honourable member knows what happens during the summer. The teachers and the staff take vacation.

Whether or not I have that complete, I will make sure the member gets that. I will table that report in September. I give that undertaking. If I only have half the action plans, I will table it with the half.

**The Speaker:** The First Elected Member for George Town.



**Mr. D. Kurt Tibbetts:** I noticed in answer to the supplementary questions the minister has not mentioned any relationship with the action plans to the Strategic Education Plan. Can the honourable minister explain what kind of tying in there will be with the plan that was rolled over for 2000 - 2005? Does that rollover (which I believe was completed prior to the Millet Report) mean there will be amendments to the action plans?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The Education Plan 2000-2005 provides a framework within which the department and schools are required to plan and deliver high quality efficient education. It is therefore central to the department's work and has been one of the cornerstones against which its work and effectiveness are assessed.

The other major cornerstones relating to that review are the functional responsibilities of the education department as set out in the Education Law, and its role in relation to the Education Council to provide policy advice to the minister on educational matters.

The review assesses the effectiveness of the department in relation to the delivery of both its functional responsibilities as set out in law and its responsibilities in policy implementation as set out in the Five-Year Development Plan.

I should just mention that the new five year plan is basically a review of the previous five year plan, together with one extra strategy and the action plans that go along with that, which to a large extent took into account strategy 3 of the Vision 2008, the Ten-year National Strategic Plan.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** The minister again mentioned the revised national strategic education plan, which he now terms the 200-2005 plan. Is there any special reason why he has not tabled that plan to this point in time?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The only thing I haven't tabled is the strategy, which I am having copied. But if members will recall, I mentioned that I will have to get that. But I will lay that on the Table. I don't have any problems with that. I read it out and what I have is a faxed draft of it. I am getting it copied, and I will be happy to lay it on the Table.

*[Inaudible interjection]*

**Hon. Truman M. Bodden:** No, I haven't tabled it. I mentioned strategy 10. What I have is a copy that came

about a month or so ago. The action plans had not been completed, but I am happy to table that understanding that that part has to be done. So, when you get it, the full action plans relating to the implementation aspects won't be in it. I am getting it photocopied and you can by all means have it.

You have ten strategies and 109 action plans, four of which are in strategy 10. It follows the strategy under the Vision plan.

**The Speaker:** Two additional supplementaries.  
The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Maybe you won't treat this as one, because I am trying to get clarification on the previous question. The minister said that the only thing he hadn't laid was the action plan. What has the minister laid?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The member needs to get legal advice on how to ask two questions in one!

What has been laid is the nine strategies and the 105 action plans, which is that thick document that was laid quite awhile back. I have not yet laid strategy 10. I am getting that copied. But I just need to mention that there are blanks in areas of it because they have not done those. So, that's what I was really referring to. That was really not a question, so he is entitled to another one.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** To grasp what has been done with the rollover, it would be very kind of the minister if we could see the difference between the original plan and the result of the review.

I now understand that the minister laid the original plan, which was 1995 to 1999. We now have a 2000 to 2005 plan. I am saying that there must be a document containing that entire plan. That's what I am asking the minister . . . when will he get that plan or review to us?

The question I wanted to if this action plan is based on the Millet Report?

**Hon. Truman M. Bodden:** No, Mr. Speaker. Strategy 10 deals with the Vision 2008 and the strategy in there. What has happened with the reviews is that some action plans have been dropped, some have been added. But one extra strategy has come in.

**Mr. D. Kurt Tibbetts:** What is going to accompany the Millet Report?

**Hon. Truman M. Bodden:** Action plans relating to the report. But I will also give you strategy 10 and the action plans.

**The Speaker:** This is the final supplementary. The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I am trying to determine if this action plan that has to accompany the Millet Report (in fairness to all concerned so that it can be assessed and shown what the intentions are to cure whatever the ills may be, so to speak) . . . what part of the 2000 to 2005 rollover plan . . . is that separate? Has that been incorporated? Will it be incorporated? What form will it take?

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Action plans will come forward with the Millet Report. At the next review of the five-year education plan, they will then be considered and decisions not just on those, but on the whole plan. If there are action plans that are not working, that may need to be varied or dropped, they will be dropped. But that will be a very important part of the consideration of the next review of the education plan.

**The Speaker:** Moving on to question 37, standing in the name of the Third Elected Member for Bodden Town.

### QUESTION 37

**No. 37: Mr. Roy Bodden** asked the Honourable Minister responsible for the Ministry of Tourism, Commerce, Transport and Works what is the objective of the Tourism Department in hosting the country music shows as announced in the media.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The FinFair Country Music Project has a number of objectives:

- To create a new marketing opportunity for the Cayman Islands by way of cross marketing opportunities with country music stars.

In this instance the opportunities will emerge from working with artists who have significant established audiences/fan clubs and who can, by virtue of the experience which they had while here, provide personal testimonials of their experiences and its high value for others to come and enjoy long after they have visited. The Cayman Islands product endorsement by these personalities has a significant bearing on the desire of their fan club members to want to go where their star has been, or be there while their star is there.

- To build synergy between either high profile country music stars or up and coming new stars whose in-

terests blend well with the product/social values and lifestyle of the Cayman Islands.

- To be able to offer the Cayman Islands' community an opportunity to enjoy these musicians for a nominal fee.
- To use all proceeds from the events to support a local charity, thereby allowing tourism activities to participate in the ongoing social development of these Islands.
- To provide concert settings which would be relatively small, thus allowing both local and overseas participants to get up close to the artist which is not possible in a large concert setting.
- To grow business from areas where artists' fan clubs are based which are not necessarily traditional Cayman Islands' markets.
- To use events tourism strategies in order to expand on the mix of visitors coming to the Cayman Islands particularly in the traditional slow months.

### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable minister tell the House if there has been any assessment on the success of this? And, if so, can he provide details to the House at this time?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The programme began just a few months ago. It is being monitored. There are some areas that need further consideration and we will monitor it as we go forward. But it's really too early to decide whether or not it is working. I have seen these stars interviewed on various television channels and they have given personal testimonials of their time in the Cayman Islands. That has a significant influence in the marketplace, both to their fan clubs and to others. It's a new thing. It will take some time to work it properly and see the benefit of it. But certainly, I believe the country music world goes hand-in-hand with Cayman both now and in the past.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the honourable minister say if the DOT has any projected revenue to be derived from such activities that would go towards the ongoing social development of these islands?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** In putting this programme together, we were not focusing on how much revenue we could earn from it. It was more exposure for the country and being used as a marketing tool. The amount charged for attendance is nominal. Whatever the proceeds amount to will be given to a charity to be established under the Miss Cayman Islands Pageant for a children's charity.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the honourable minister say what the budget for this particular project is?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I didn't bring that particular detail this morning. I can undertake to provide that to the member.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would appreciate getting that information. Can the honourable minister give us the information as to how many such events DOT is sponsoring at the moment? I know that there is Aviation Week . . . what else is there? How many of these events is the DOT involved with?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Let me focus on this particular FinFair. The event is a monthly appearance by one or two country music stars. It began in May and will run through October. There is some possibility of November, and I mention that just for information.

In terms of what the DOT and the ministry are involved with in other respects, we have Pirate's Week, Aviation Week, Angling Club's Million Dollar Month, and I think those are the major ones at the moment.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the honourable minister say whether the hotel associations are involved in sponsorship when the singers come here? Who pays for the rooms? Who pays for the food? Who pays for the transportation?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Without getting into detail, there is participation and support from the local Hotel Association.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Can the honourable minister expand on the local children's charity under the Miss Cayman Islands Committee? Is this for special needs children, or handicapped children?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** If memory serves me correctly we are talking about a foundation called Love the Children Foundation. The funds will be used to assist children whether handicapped or otherwise—those who have perhaps special needs. It's a way of trying to raise funds in a way that will focus on the children of our country. I think it's a very useful and productive way of meeting some of the needs of the young population.

**The Speaker:** Are there any further supplementaries? If not, that concludes Question Time for today. Moving on to item 4, Other Business, Private Members' Motions. Private Member's Motion No. 14/2000, continuation of debate on the amendment thereto.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 14/00

##### PUBLIC EDUCATION SYSTEM AMENDMENT THERETO

*(Continuation of debate on the amendment)*

**The Speaker:** As I said yesterday, if no further member wishes to speak to the amendment, I will put the question on the amendment and then entertain debate on the motion as amended.

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I am going to seek your guidance, sir. There is an issue I wish to draw to the attention of members, and to seek a reply from the minister. I believe it is a very important issue. I believe I can prove its relevance in the said debate on the amendment. But if you wait until I wind up, the minister would not be able to give any reply.

If I can be allowed that, then when the minister winds up on the amendment he would be able to reply. Can you just guide me as to what to do?

**The Speaker:** Could this be done informally outside the Chamber?

**Mr. D. Kurt Tibbetts:** After much consideration, I believe that the issue needed to be aired publicly. But that

is me, and I don't have any other way of explaining it to you sir.

**The Speaker:** I have a procedural problem with that because the minister has moved the amendment and he does not have a right to speak again to the amendment. But if it's important, I will—

**Mr. D. Kurt Tibbetts:** With the greatest of respect, if the minister moves the amendment, does he not wind up the amendment after everyone else speaks?

**The Speaker:** He will wind up, but you are asking him to make a specific answer.

**Mr. D. Kurt Tibbetts:** No sir. I meant that he could use the opportunity in winding up his debate on the amendment to deal with the issue if I speak now.

**The Speaker:** You will have to deal with the minister, as the Chair cannot control what the minister says.

Procedurally, I cannot allow one member to speak twice on a motion or on an amendment. I now propose that if someone wants to speak specifically to the amendment, whether for or against, that they now rise.

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Having explained and knowing the risk, I will just have to take the chance. I am rising to speak to the amendment. I presume the minister will find it possible to reply in his winding up on the amendment.

The minister's amendment to the substantive motion on public education refers has added another "Whereas" clause which reads: "**AND WHEREAS the Five-year National Education Plan has been extended, updated and rolled over into the National Education Plan 2000 to 2005 and a new strategy with four action plans (which has not yet been costed or detailed) which incorporates Strategy 3 of the National Strategic Plan 1999 – 2008 (Vision 2008) which plan was approved by this Legislative Assembly . . .**"

If I look in the Vision 2008 document under strategy 3, which is referred to in this amendment, the preamble reads: "**We will support an educational system which identifies and develops the abilities of all persons encouraging them to realise their full potential.**"

What that says to me is that the mover of the amendment—who has stated in that amendment that strategy 3, which will be incorporated into whatever final plan is delivered—is taking on the position that this country will do everything possible to ensure that everyone will realise their full potential.

In recent months we have encountered several problems. I don't stand here professing to have all the answers, but in my view there is a huge problem with the number of students either not being allowed to graduate or in the latest instance not being allowed to complete their studies at certain institutions because they have not

met certain standards set out by that institution. In my view, this seems to be counterproductive to the preamble of this strategy.

I went to school. I know what it is for a system to have to incorporate discipline. I know what it is for a system to have to set academic standards to be achieved also. We have no solutions to the problem.

For instance, in the public system there's a chain of command that involves the education department, the education council and some type of committee at the schools making certain decisions based on policy. They have to make those decisions, and when it's all over we have parents complaining that their child was not allowed to graduate. It is going to have a far-reaching negative impact on the future of their lives. But on the other side, we have a system that will have a lack of incentive to achieve if sanctions are not employed.

I know that you have to set standards in the schools. And I appreciate all the good reasons for setting these standards. I also appreciate that if you don't, there is a difficulty. But when this whole thing is over, and these students who have completed the years of secondary education (and I am limiting the argument to that right now) . . . they are not equipped to go on to any higher education. There is no specific type of vocational or technical training that will start them off from scratch. They don't have the skills to go into the job market, let alone a piece of paper stating they satisfactorily completed any type of secondary education. And that's a major problem.

I want to say this carefully because I don't want my intentions to be misunderstood. The most recent incident has developed at the Triple C School. We have some individuals who have not necessarily been told that they can't graduate, but between Years 7 and 12 because of the system they have deployed, there are seven students who have been told that they cannot return to school for the next term. Having gone through that system they have not met the standards and the sanction is that they have to go.

If my understanding is correct, they have been told they can go to another school for another term. And if they are able to bring those standards up to a satisfactory level during that term, then they can come back to Triple C afterwards and continue. There is a huge logistics problem there. By the time a student is removed from a system and a location to take one term to get back up to scratch, if that term is going to be spent getting familiar with the new surroundings and whatever the new system is . . . it's a problem.

If certain standards are not set, there's a high risk of the achievement level being below par. But in my view, it is almost going to be physically impossible for any one of those students to achieve what they say they will have to achieve to come back into the stream of things to complete their education. They have spent most of their learning lives in a certain system, and will have great difficulty continuing anywhere else on this island within that type of system. Worse is that in the vast majority of

instances it had nothing to do with any behavioural problem. It was all to do with achievement.

As I said, I don't have the answers. But I believe this is not something that we can put aside. I believe it is very important and I don't raise the issue to use this forum in the Legislative Assembly to say to the board at that school that they are making the biggest mistake of their lives, and you can't do this, that this is the government of the country so you have to do different. I am not saying that. I understand the difficulties on both sides of the coin. But I know that there is a huge risk with these individuals. And no one can begin to say this is what the end result will be. These children are at risk!

My argument extends throughout the entire system. I have known where it was simply a matter of effort—nothing to do with behaviour. He took all of the external exams, but there was not enough effort and the child did not graduate.

It is not to say that whoever sets the standards and sanctions for the standard is blindly wrong. But what do we do after that? It's a major problem! We cannot leave it as it is and expect these individuals and their parents or guardians to find those answers. This whole thing has to be rethought. I am also saying that whether or not fingers can be pointed at the children personally and they be blamed for their actions, they cannot be left in the circumstances they have been left in. It cannot be right.

I am not suggesting that we don't have standards and sanctions. But we have to find some way to deal with this situation so that it is not left hanging in the air and we have no idea where these children are going to end up. Someone needs to do something. I don't expect that someone will be able to give me all the answers either. But I want a commitment that this thing will be looked at—not with a view to pointing fingers saying '*you did this wrong,*' but to find an answer. We cannot leave this.

Things happen in cycles you know. I am sure it's not just now that these things have been happening. Perhaps as time goes on, certain people make more effort to make things publicly known. And we suddenly realise this is something that we cannot leave alone. Perhaps it should have happened before now. We have to find some way to deal with that.

I know it's frustrating. And I know that when you are dealing with 900 children in school, and there are 15 or 20 that you just don't seem to be able to do anything with you are naturally apt to give your attention to the ones you are going to get results from and not "waste your time" on these difficult ones. But those same ones go into society with no hope—not a snowball's chance in Hell—and five years later you find out they are in Northward and we say '*Oh my God, what a waste.*'

I am saying that we cannot leave it like this. I hope that the minister will take the thought on board and give a commitment—not just to look into it. Something has to be done to try to deal with this. No one mind is going to find the answers. I know that. But we can't leave it alone.

I chose this opportunity to make the relevance known because it is part of what we are talking about. I sincerely hope there will be some solution. While it will take various methodologies to bring about long-term solutions, we also need to look in the short term to see what we can do about these children. I trust there may be some answer forthcoming.

**The Speaker:** Does any other member wish to speak to the amendment on Private Member's Motion No. 14/00? (Pause) If not, does the mover of the amendment wish to exercise his right of reply?

**Hon. Truman M. Boddén:** No sir.  
Sorry, may I just reconsider?

*[Inaudible comments]*

**The Speaker:** We shall suspend proceedings for five minutes in order for this to be clear.

#### PROCEEDINGS SUSPENDED AT 11.59 AM

#### PROCEEDINGS RESUMED AT 12.25 PM

**The Speaker:** Please be seated. Does the mover of the amendment wish to exercise his right of reply?

The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Boddén:** Thank you.

I would like to thank all members for their debate and support in relation to the [amendment]. As I said earlier, there are things to be done in the education system. Things have to be addressed and this will be continuing. I undertake, or the ministry undertakes, that it will push forward to solve those problems to the best of its ability.

Much of this debate was very good in raising questions that perhaps the department or ministry may not regard as urgent as does the public or the legislature. So all of this will be taken into consideration and we will move forward considering what submissions have been made here.

Specifically in relation to the matter at Triple C raised by the First Elected Member for George Town, the ministry and the department regard this as serious. It is a matter that the ministry and the department are now looking into. I will discuss with the PS the best way for government to make a statement in relation to that matter. In fact, as soon as it came out on the news a couple of days ago, the ministry was concerned. It is being dealt with and we will come back on that possibly in the press.

Once again, I would like to thank all members for their debate.

**The Speaker:** I shall now put the question on the amendment to Private Member's Motion No. 14/2000,

Public Education System. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 14/2000 PASSED.**

**The Speaker:** The floor is now open for debate on Private Member's Motion No. 14/2000 as amended. Does any member wish to speak? (Pause) If not, would the mover of the motion wish to reply?

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** So that we will have clear exactly what we are dealing with at this point in time, I would like to read the motion as it stands with the amendment. But I need some clarification on one section. The mover of the amendment will have to clarify it. The very last part of his amendment reads: **"in accordance with the Five-year National Education Plan 2000 – 2005 and the National Strategic Plan 1999 – 2008 (Vision 2008) section."** I believe that the word "section" should actually be "Strategy 3." I want to make sure I have it crystal clear.

**Hon. Truman M. Bodden:** Mr. Speaker, I think it may be better because part of 2 also relates to children, that we just remove the word "section." I thank the honourable member for raising that. It could also have been "Strategy 3." But that . . . and I remember speaking on that, but I don't remember . . . but that should really be removed.

**The Speaker:** The First Elected Member for George Town please continue.

**Mr. D. Kurt Tibbetts:** Thank you.

So, the motion will now read:

**"WHEREAS in any rapidly developing country the level and diversity of education offered by the public system is of vital importance;**

**"AND WHEREAS it appears that the educational demands created by the rapid economic development in the Cayman Islands are not being adequately met by the present system;**

**"WHEREAS the Legislative Assembly unanimously approved the National Education Policies in the Five-year national Education Plan 1995 - 1999 which contains nine prioritised strategies and 105 action plans on the education policies with each action plan stating the following:**

- "1. The date each action plan is assigned**
- "2. The date each action plan starts, and is due for completion**
- "3. The actual completion date**

**"4. The person/persons accountable for implementation**

**"5. The cost/benefit analysis of each action plan**  
**"And was revised three times in 1996, 1997 and 1998;**

**"AND WHEREAS the Five-year National Education Plan has been extended, updated and rolled over into the National Education Plan 2000 to 2005 and a new strategy with four action plans (which has not yet been costed or detailed) which incorporates Strategy 3 of the National Strategic Plan 1999 - 2008 (Vision 2008) which plan was approved by this Legislative Assembly.**

**"BE IT THEREFORE RESOLVED that the Minister of Education, acting under his constitutional responsibility to deliver policy in the area of education, set out a properly prioritised plan, including costs and specific timing of implementation to address the present needs in the public education system in accordance with the Five-year National Education Plan 2000 - 2005 and the National Strategic Plan 1999 - 2008 (Vision 2008)."**

Let me say that I saw no reason to argue with the amendment simply because the amendment is not an attempt to change the substance or intent of the original motion, but an effort to tie in the motion with existing policy documents that are now in force and being utilised by the Ministry of Education through its various avenues in regard to improvements to the existing system.

If I wanted to be a bit devious I could also say this was a way for the minister to be able to speak again on the motion, but I won't say that. Nevertheless, in all seriousness, I don't think any of us had a problem with the tie in with the various strategies and plans. Of course, I have to spend a little time in addressing certain areas, which in my view are necessary in order to prove the validity of the motion itself.

One could say why waste the time dealing with that. But since the government has said it will accept the motion as amended (as I just read), it doesn't end there. I think it is important to point out various aspects, especially in regard to implementation, which I think has been one of the major drawbacks. I don't think there is any major question in regard to policy. But I do believe that there are some concerns that need to be aired about the overlapping strategies and the implementation of them.

When the motion originally came the resolved section simply read: **"BE IT THEREFORE RESOLVED that the Minister of Education, acting under his constitutional responsibility to deliver policy in the area of education, set out a properly prioritised plan, including costs and specific timing of implementation to address the present needs in the public education system."** The minister could have taken the position that the motion was irrelevant because he has this plan. But I believe that with closer scrutiny he realised that while there is a plan, there are things that have not yet been developed to call the plan a "complete" plan. I believe it

is also an accepted fact that there have been some problems with implementation.

During his delivery, the minister referred on several occasions to Strategy 3 of the National Strategic Plan, that is the Vision 2008 document that was tabled, debated and unanimously accepted in this House in July of last year. When the minister told us that his Ministry accepted Strategy 3 of the Vision 2008 document as part of the 2000 to 2005 policy which has been reviewed and rolled over, that made a little bit of a difference in my thought process.

I was thinking that the Ministry of Education was the same ministry that piloted the completion of the Vision 2008 document. I would like to take us back in time to July 1999 when the document was brought and debated, and unanimously accepted. I would like to quote from this Strategy 3 to show why people like me would have a problem.

Strategy 3 says: **“We will support an educational system which identifies and develops the abilities of all persons encouraging them to realise their full potential.”** Then it moves on and talks about the action plans within that strategy. The specific result required from Action Plan 1 is **“to identify and implement those parts of the Education Plan that still need to be implemented.”** At that point in time it would have been the 1995 to 1999 Plan.

So, you see, when this was going on, and the individuals who spent a lot of time and a lot of thought in putting together this document realised then (the 18 months during 1998 and 1999) that the implementation of the 1995 to 1999 plan was a problem. I am going to say something here and now with no intention of offending anyone. But I am going to show you the difficulties people like me have when I see how systems work.

We understand that the implementation process from 1998 of the National Strategic Education Plan has found itself with some problems. Yet, during that same time it had to be known that there were some problems. And by choice—not by anyone forcing the situation—the governor of the day who had to be in consultation with the minister and whomever else, decided to take the PS of the Ministry of Education to devote just about full time 18 months to the preparation of the other document, notwithstanding the importance of the Vision 2008 document.

So, we have a ministry left, to a certain degree, incapacitated on the one hand because the PS has found herself having to spend all of her energies on the Vision 2008 exercise. That exercise is spending its time finding out what’s wrong with the Education Plan!

It should have been handled differently. I am not suggesting other people were not doing what they had to do, but a PS is most important. The ministry is top heavy as it is. The ministry is dealing with Cayman Airways and with Planning. And on many occasions the minister has found himself wishing the day had more than 24 hours. I am questioning the sense in dealing with the situation like this.

We brought a motion similar to this in 1998, trying to identify the same problems, wanting to point them out, asking what are you going to do. Education is not something you can just put aside for a little while and come back storming again. Every moment that passes affects too many lives.

This document identifies action steps: **“1) Form a committee to (a) investigate reasons for the delay in the implementation of those parts of the existing Education Develop Plan which have not yet been implemented; and (b) recommend steps toward establishing the plans.”**

Mr. Speaker, it is a better realisation having read this again. It’s almost a paradox. The Ministry of Education is spearheading the development of this ten-year country plan. Right in the middle of what they are doing they are trying to organise themselves to try to find out what isn’t being done right within the ministry regarding the implementation of the National Strategic Plan. It’s almost funny.

Number 2 under the action steps: **“Implement those plans which need to be realised.”**

Number 3, **“Empower schools to exercise site-based management.”**

Number 4, **“Institute site-based management at the Education Department.”**

Number 5, **“Monitor implementation of the Education Development Plan and site-based management.”**

Number 6, **“Review every 12 to 18 months.”** It makes all the sense in the world.

The left arm is relaxing for awhile and the right arm of the same ministry is trying to do what it has to do—plus what the left arm had to do. Having said that, we must move on.

I only said that to make the point that motions such as this and the one in 1998—which the minister would not reply to, if you recall . . . he tried to bring amendments to that one and they didn’t carry. After he read all of what he brought down here, he wouldn’t debate the motion. That’s what happened with that one. But anyway, while not suggesting that the minister or his staff are not doing their fair share of the workload, our job is to identify where the inadequacies are and they must find the ways and means to take care of those inadequacies.

It is intriguing to me. It makes all the sense in the world that this Strategy 3 of the 2008 document was incorporated into the rollover plan. It just boggles my mind trying to understand why it had to happen like that.

Action Plan 2 of this same Strategy 3 speaks to identifying gaps in the existing Education Development Plan and providing programmes to fill these gaps. It has a long list of action steps and it goes on . . . I won’t attempt to read all of the steps and plans in Strategy 3, but I just want to read a few. Then I will say what I have to say about them.

The specific result required in Action Plan 3 was **“to develop and implement academic, vocational and**

**technical curricula for secondary and tertiary students."**

The action steps: "1) Identify the needs of local employers; 2) Research overseas academic, vocational and technical curricula and standards (a) form a committee of educators to review the data; (b) develop detailed curricula in the following areas: academic, vocational and technical; (c) recommend staff, equipment and materials and any other resources necessary to programme implementation; (d) develop a set of national minimum standards in numeracy, literacy, information technology, etc." This one is more than interesting.

It is shocking to know at this point in time, with all of the so-called developments in our educational system, that no standards such as these have ever been developed, set, or realised. But the good thing is that it seems like something may be done now. So, that is really a plus.

I wanted to read those few areas of Strategy 3 to come back to the point. How many times have we stood here making our points about technical and vocational education? The minister is first to get up and ask, "Why bring all of this criticism when you don't provide any solutions?" When we try to address the solutions, then they don't matter. But Strategy 3 is a wonderful section of Vision 2008 so they grabbed it up. Thank God, Strategy 3 did not come from us because it would be lost in the wilderness still.

The amendments to the motion call for the date each action plan is assigned, the date each action plan starts and is due for completion; the actual completion date, the persons accountable for the implementation, and the cost benefit analysis of each action plan.

Here is where I have the real problem. We had a 1995 to 1999 National Strategic Education Plan. And I am going on to a new topic, if you would prefer to take the luncheon break.

**The Speaker:** We can take the luncheon break now.

It is my understanding that after the luncheon break we will be meeting informally in the committee room to discuss matters coming before this honourable House. At this time I will accept a motion for the adjournment of the House realising that this will take a considerable length of time.

## ADJOURNMENT

**Hon. Truman M. Bodden:** Considering that this will take the bulk of the afternoon, I would like to move the adjournment of this honourable House until 10.00 AM tomorrow.

**The Speaker:** The question is that this honourable House do now adjourn until 10.00 AM tomorrow, with the understanding that we meet informally after this and will go late into the evening.

**Mr. W. McKeeva Bush:** Mr. Speaker, are we meeting late tomorrow afternoon as well?

**The Speaker:** That is my understanding, yes.

**Mr. W. McKeeva Bush:** Thank you sir.

**The Speaker:** I shall now put the question is that this honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 1.00 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 14 JULY 2000.**



**EDITED  
FRIDAY  
14 JULY 2000  
10.13 AM**

*[Prayers read by the Honourable Acting Temporary First Official Member]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**The Speaker:** I have no apologies from any member this morning.

**The Speaker:** Item 3 on today's Order Paper, Questions to Honourable Members/Ministers. The Honourable Minister for Tourism, Commerce, Transport and Works is not in the Chamber, so we will move on to question 39 standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 39**

**No. 39: Mr. Roy Bodden** asked the Honourable Acting Temporary First Official Member responsible for Internal and External Affairs to provide a breakdown by nationality and rank of the staff complement of the Royal Cayman Islands Police.

**The Speaker:** The Honourable Acting Temporary First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Rank, establishment and nationality is as follows:

Commissioner—United Kingdom citizen; Deputy Commissioner—Caymanian; 3 Chief Superintendents—2 Caymanian, 1 UK citizen; 4 Superintendents, all Caymanian; 9 Chief Inspectors—6 Caymanian, 1 Jamaican, 2 UK citizens; 21 Inspectors—19 Caymanian, 1 Barbadian, 1 UK citizen; 49 Sergeants—31 Caymanian, 1 Barbadian, 9 Jamaican, 5 UK citizens, 2 Belizean, 1 US citizen; 179 Constables—88 Caymanian, 36 Jamaican, 23 UK citizens, 9 Barbadian, 3 Canadian, 7 Belizeans, 4 US citizens, 2 Bahamianians, 1 Nicaraguan, 1 Guyanese, 1 Nigerian; Total Complement, 267.

**SUPPLEMENTARIES**

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable member say if this includes all the staff of the RCIP?

**The Speaker:** The Honourable Acting Temporary First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** This is obviously the uniformed staff and does not include civilian staff.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable member give us any information on the civilian staff allied to the RCIP? I am specifically inquiring if any of those civilian staff members are in an advisory capacity to the top rank.

**The Speaker:** The Honourable Acting Temporary First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I don't have any information on the civilian staff. But I can certainly undertake to provide the information for the member.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I have a definite interest because it has come to my attention that the former deputy commissioner's services have been retained as an advisor. I would specifically like to ascertain whether or not my information is correct, and, if so, I would like the terms, the job description, the salary, whether this former officer is now working on a contract, and what the length of that contract is.

**The Speaker:** The Honourable Acting Temporary First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I have noted the points the member is interested in, whether the individual is an advisor, terms of employment, job description, salary and whether on a contract or not, and I will give an undertaking to provide that information.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable member state whether or not there are plans to recruit more officers, and, if so, from where?

**The Speaker:** The Honourable Acting Temporary First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** There are no plans for recruitment currently in process, of which I am aware. I expect that as serving UK officers who are on secondment complete their term there will be a need to replace some of them. A recent training initiative has just been completed with a record number of Caymanians having completed the course successfully. Hopefully they will become permanent members.

I know the class started off with 14, 12 of which were Caymanians. I think it may have ended up with nine or ten of those successfully completing it. I am not positive of the final number. Consideration will have to be given as to whether or not we continue to draw from the UK or perhaps some other Commonwealth country to supplement the need. But it's pleasing to see the number of Caymanians who have come forward and successfully completed the recent training course.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable member say if the full complement of the establishment obtains right now? Are there any existing vacancies that have not been filled? If so, at what level?

**The Speaker:** The Honourable Acting Temporary First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I don't have a breakdown on the vacancies. I understand there are probably about ten to 12 vacant posts, primarily in the lower ranks of constable. Some will be filled by the class that recently completed.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable member state what the policy is for the renewal of the UK officers' contracts? What length of time was their initial contract for?

**The Speaker:** The Honourable Acting Temporary First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** The contracts, as I understand, are generally for two years. They are only extended in circumstances where the local authorities are satisfied with the officer's performance and the officer is able to

secure a further period of release from his UK force from which he is seconded.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** From what the member said, the policy of hiring police from the UK is thought of as a temporary measure. Can he say if any of these officers have received promotions within the RCIP service during their tenure? If so, can he explain the policy and why this would happen?

**The Speaker:** The Honourable Acting Temporary First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I do not have information of that nature on hand. I can certainly give an undertaking to provide that to the member.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** In conjunction with that undertaking, I would also ask the honourable member to ascertain in cases where these overseas officers are promoted, whether or not their promotion affects the upward mobility of Caymanians who may be on the quota for promotion.

**The Speaker:** The Honourable Acting Temporary First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Yes, I will also seek information as to whether that situation actually occurs and provide that to the member.

**The Speaker:** Are there any further supplementaries? If not, we move on to question 38, standing in the name of the First Elected Member for George Town.

### QUESTION 38

**No. 38: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works to give an update on the proposed extension of the George Town Port.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Engineering and environmental studies have been completed. The Coastal Development permit for the project was approved in February 2000. The Development Advisory Board approved the project on 30 May 2000. The Central Planning Authority permit for the project is anticipated in the next

month, which should allow the Port Authority to solicit tenders for construction of the project.

### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable minister say if there are any objections to the planning permission being sought? If so, how is he planning to deal with them?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** My understanding is that there have been some objections. The objectors have been heard by the Central Planning Authority (CPA). That process allows any business that feels that some negative effect may be done to their business may be heard by the CPA and hopefully resolved in a way where both parties feel satisfied. That is the process that will be used in this case. I think some of the objectors have already been heard by the CPA.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable minister state if it is his intention to give a presentation to MLAs regarding this port extension so that we may be brought up to speed, so to speak, with what is going on? If so, when does he plan to do so?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Some time ago invitations were issued to members to come and review the plans. We are all busy people, so we weren't able to host that particular function. It is our intention to do a presentation to MLAs. I am unable to say to the member the exact date. It is certainly our intention within the next 30 days to do so.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable minister state how financing for the project is expected to be gained, and can he state the estimated cost of the project?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Part of the financing for the project will be the claim that was made to the insurance company for the damage done to the Finger Pier. That amount is \$1.7 million. That will be utilised to fund part of

the estimated cost of CI\$14.5 million. The remaining amount of \$12.8 million will be secured by a loan from one of the major banks in town.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable minister state if this financing will be by way of the Port Authority borrowing on its own merit with a government guarantee, or in another form?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The borrowing will be done on the strength of the Port Authority's balance sheet. There's no guarantee involved.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the honourable minister say what consideration has been given to the damage that may be caused to the waterfront by heavy seas when the ocean is dredged and made deeper and the reef ridge is removed? What protection will be afforded the waterfront?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** In this entire exercise, the Port Authority (in discussing this project in conjunction with the DOE) agreed on a firm that provides environmental studies. An environmental study has been carried out. That study indicates that the Finger Pier that we propose to build will create a significant amount of protection to the area to the south known as Hog Sty Bay. It also indicates that the wave action that will ensue, assuming construction of the Finger Pier extension . . . there's no significant wave action caused by that improvement of the port facility other than where the port facility itself (the northern portion of it) meets the iron shore, in that 90% area. That's where the heft of the wave will hit. So protection to businesses in the area will be enhanced, I would say, rather than being damaged.

This environmental study was carried out by Moffit and Nickles, which is a pretty substantial firm in the US that has carried out environmental studies in many different parts of the US as well as other parts of the world. We have also had a second opinion carried out by an additional person involved in carrying out environmental studies. Their view is that the study is correct.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the honourable minister say what intended depth will result at the end of the day?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The enhancement will cause the Finger Pier to be 450 feet long and 240 feet wide. The approach to it will need a certain amount of deepening because we are trying to do an improvement to the Port that would provide value for money. The most cost effective way to deal with improving the facilities of the port for the next ten, 15, or 20 years before any further improvement would need to be done to that area for this specific purpose means that ships that are 450 feet would be . . . and as we understand it, the next size of ship . . . we see on occasion the *Morrant Bay* which is 380-something feet.

So, as demand for cargo grows, and as the shipping companies look for efficiency in providing that service to the Cayman Islands, they will move to a bigger size ship. That size ship coming into George Town Harbour alongside this dock would cause us to make some amount of deepening.

Even now, some of the ships servicing the Cayman Islands say to us from time to time that there are some coral heads that they have concern about. But, in essence (and coming more to the member's question) in the area we are talking about, approaching from the ocean there is 22 feet leading into the shore on the north side of the Finger Pier. When you get near the shore it's about 16 feet. The area on the south of that Finger Pier there is from 26 feet down to 18 feet. That's the area currently being used to offload the majority of the cargo.

What we say should happen is that the 26 feet should go down to 27 feet, one foot of dredging taking place there. But as you get nearer to shore, the 18 feet would become 27. On the north side of the Finger Pier the 22 feet would be dredged to 27 feet and as you get closer to shore the 16 feet would become 27 feet.

What I am saying is that there will be some dredging. The intention is to have a drought that will provide ocean-going vessels 27 feet. We want to ensure that those vessels have a safe navigational path in and out of that port facility.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the honourable minister outline the length and width of the pier now? I know he said it was going to 450 long and 250 wide with the addition. That's part (a) of the question. Part (b) is, how much did the study cost? And part (c) of the question is, why is such a tremendous expenditure expected?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The present length of Finger Pier is 190 feet long, by 40 feet wide. When the *Morrant Bay* tied up alongside of it, almost half of it extends beyond the pier indicating the need for improvement,

even if we service the present ships that come to the Cayman Islands.

The proposal before the CPA is for the length of the pier to be 450 feet (because that's the next size ship that would come), and widened to 240 feet. The intention is to spend money to deal with future demands over the next 15 to 20 years. The facility will be able to take two ships 450 feet long, and utilise both cranes at the same time causing the trucking to take containers as they are offloaded. It's a way of dealing with the efficiency of the Port, which may not happen until sometime down the road.

The cost of the environmental study I don't have with me this morning. I could give a ballpark figure; it's some amount over \$100,000. It could be \$120,000, somewhere in that area.

**Mr. W. McKeeva Bush:** Mr. Speaker, there was a third part, why such a tremendous expenditure is expected.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I could add to that by saying that the demand for cargo and goods to the Cayman Islands is growing at a significant rate on an annual basis. The projections are that if we are going to spend some money now, it's more cost effective to the Port Authority and government to not use a Band-Aid approach, but to spend the money for the future needs of the Cayman Islands and the Port. Because of the significant annual increases over the last ten years, we can see the need for this improvement in the port facility. We might as well do it now. If we do it later it's going to cost more money.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I hear the minister's rationale, but he did not say why such a tremendous expenditure was expected. I will add to that: Why is such a tremendous expenditure expected when you are adding 60 feet to the length and 200 feet to the width? The expenditure is a total of \$14.5 million. That was what I was trying to ascertain from the minister.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Just to elaborate and correct some information, if the interpretation of the First Elected Member for West Bay is correct, then I have not said what I thought I said. I said that the pier would extend 450 feet. It is now 190 feet. So the calculation needs to be thought about.

[Inaudible interjection]

**Hon. Thomas C. Jefferson:** The present pier cannot be utilised at all because of the damage done back in 1998—

**Mr. W. McKeeva Bush:** Mr. Speaker, on a point of order.

**The Speaker:** May I hear your point of order?

**Mr. W. McKeeva Bush:** I would like to get the present length of the pier and the width, which I thought he said the present length is 190 feet long and 40 feet wide. He was adding that at the end of the day it would be 450 long and 240 feet wide. That's what I am trying to ascertain.

**The Speaker:** That's not a point of order. That's a question. The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I was taking some time to answer the member's question and I was coming to the point he wanted me to answer.

I began by saying that when we think about the extension that needs to take place, there is almost nothing in the Finger Pier that can be utilised other than the supports coming up from the ocean floor. There are two columns that come up from the ocean floor that will be included in the extension I am talking about. In essence, we are not adding to the 190, we actually have to take away all of the 190 with just these two supports [remaining]. So we actually have to construct 450 feet of dock.

And the construction will be such that no amount of wave will be able to wash underneath. It will be a solid concrete dock. That is what affords the protection to Hog Sty Bay that I spoke of earlier.

I think we all realise that this type of structure 450 feet long by 240 feet wide in the area we are talking about, doing it for \$14.5 million . . . and let me go on to say that the residue of those dredged areas will also form additional land for the Port in the area of 3.5 acres. It's costing \$14.5 million, but we are also creating 3.5 acres of land in George Town. When you look at the price per square foot, maybe we need to reduce the \$14.5 million by the value of the land we are creating. The value of the Port will be significantly enhanced.

This is Tom Jefferson economics!

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the honourable minister say why it is logical to assume that it's a prudent decision to do this expansion, which will also mean expansion in the volume of traffic in this very small congested area of George Town? We have pedestrians from cruise ships walking around and crossing the road without looking, taxis, and tour buses. Then the commercial port is being

expanded in such a way as to carry more of a load. Why is that considered a prudent decision?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I believe it is a prudent decision for a variety of reasons. We recently did a traffic study in George Town. We found that the traffic generated by the Port is less than 1% of the traffic.

We also have in our plans for the Port expansion, the landing of cruise ship passengers on the North Side of this Port (up near the Port building) which will allow the tour bus operations to come off the street into the Port facility. And when loaded, they will be distributed bus by bus.

I don't believe that the cruise ship passengers coming to the Cayman Islands . . . and we have a computer schedule that takes us up to 2003, we don't see any major increase in the number of cruise ship passengers, other than what we are dealing with now.

What we are doing at the Port is saying that if we are going to spend money to fix the facility, let's do it in a way that is cost effective for 2000, 2005, 2010 and 2015. That is our rationale. When we did the Master Port Development Study, we told the team carrying out the study not to just focus on George Town, look all around Grand Cayman. We found in 1993 that to put the Port in the North Sound it would cost us over \$100 million. You're talking about cost. Can we afford that?

**Mr. D. Kurt Tibbetts:** Even if you had the money you wouldn't put it there.

**Hon. Thomas C. Jefferson:** Well, that's true.

If we wanted to do it somewhere else, Red Bay area, or even further east, the cost was higher in those areas than trying to deal with the traffic and the facility that we already have in place by just extending it. That's why we took the decision that we did.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Would the minister not agree that although that sounds very rational, that not only is he making an investment in regard to the Port for 20 years, there will also be growth in the congestion within that 20 year period as well? Can he give us any indication as to how he understands that development in that area to be in the next, say, ten years? Was that taken into account?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I think we all realise that as the population grows, so grows the traffic. Although we have tried to establish an Omnibus system to take people from the various districts into George Town . . . and I

believe that will also change, perhaps some bigger buses coming from areas other than West Bay because it's a further distance . . . we know there will be an increase in traffic. But if there is a will to deal with it, we will find a way.

If we have ships of that size and they arrive early enough in the morning, the work can begin early in the morning. The Port has been looking at that. It depends on when the ship arrives. With cooperation between the shipping industry and us, I think government and the Port Authority should be able to deal with the traffic as it comes forward.

**The Speaker:** I would appreciate a motion for the suspension of Standing Order 23(7) & (8).

### **SUSPENSION OF STANDING ORDER 23 (7) AND (8)**

**Mr. W. McKeeva Bush:** I move the suspension of Standing Order 23(7) & (8) to allow Question Time to continue.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I second that motion.

**The Speaker:** The motion has been made and seconded that we suspend Standing Order 23(7) & (8) to allow Question Time to continue beyond the hour of 11 o'clock. Those in favour please say Aye, those against No.

**AYES.**

**The Speaker:** The Ayes have it. Question Time will continue.

### **AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11.00 AM.**

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** If I understood the minister correctly, he is saying that the new pier would be 450 feet long, and solid. Can the honourable minister say whether consideration has been given to what happens to the shift of sand when you put 450 of solid wall in the ocean?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The environmental study I referred to earlier carried out by Moffet and Nickles, and being audited by another firm that provides a similar environmental impact service, shows that no major shift of

sand will occur other than what's happening at the moment.

**The Speaker:** The First Elected Member for West Bay. I will have to limit it to three additional supplementaries after yours.

**Mr. W. McKeeva Bush:** Part (a) of my question is, Will the minister table a copy of the environmental report so that members of this House can peruse it? And part (b) is, What steps has the minister taken to ensure that this \$12.8 million will not result in more cost to the public in higher port fees and trucking fees, thus supermarket fees and all the rest that goes with it?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** We are obviously trying to relate additional cost before the project even goes out to tender. But there are no guarantees in this country about cost—whether it's a bank, financial services, doctors' fees . . . there are no guarantees. But the Port Authority has been quite responsible over the years as to its charges.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** In order to avoid the possibility that there will be additional charges, has the minister given any thought to having the dock work during the night when there is no traffic, therefore minimising the need for this great expansion and this great expenditure?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** When we try to envision what will happen in the construction of the Port, most of the activities will be in the water on the port side. I can't visualise a significant amount of traffic that is going to cause disruption to George Town by that movement. I sincerely believe that if we move to working during the night that we are going to end up with more cost than what we have estimated at the moment.

*[Inaudible interjection]*

**Hon. Thomas C. Jefferson:** Mr. Speaker, I now understand what the Fourth Elected Member for George Town is saying. But I did make reference to that before. We are going to try to work with the shipping industry. You can't work at night unless a ship is there. If the ship's arrival would allow us to, we could work out an arrangement where the work can start at 5.00 in the morning, and basically be done before the rush hour.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I asked whether the minister would table a copy of that environmental study. Will he do that? He said that the study says there will be no shift of sand. I don't know if that's what was told to the Marriott too when they put down their wall. Anyway, I would like him to give an undertaking to provide members with a copy of that study.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I did indicate that within the next 30 days we would be doing a presentation to Members of the Legislative Assembly. At that meeting copies of the environmental study will be available. That was my intention.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** This last supplementary goes beyond the realm of the substantive question, but I believe the minister will be amenable and answer it.

Outside of the actual Port itself, there was a private member's motion passed awhile back regarding the government's property in the SafeHaven project being vested with the Port Authority. Can the honourable minister give us a quick update as to what is happening with the vesting of that property?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** For clarity (and I am not going to say anything that members of the House do not know but for clarity to the public), the vesting of this property is not within the ministry for which I am responsible.

The private member's motion that was unanimously accepted by this honourable House required government to take the necessary steps to consider vesting the property at SafeHaven, that public portion, into the Port Authority. That means that the work would have to be done by Lands & Survey and come back to the minister responsible for lands to the Executive Council and then back down to the Legislative Assembly.

*[Inaudible interjection]*

**Hon. Thomas C. Jefferson:** I am unable to say whether they have been given instructions, I would assume they have.

**The Speaker:** One final supplementary. The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable minister give an undertaking to determine whether or not anything has been done since the motion was approved? We don't

want to continue to believe that after seeing safe passage through this Assembly motions are just forgotten about. Can he give that undertaking?

**Hon. Thomas C. Jefferson:** I can undertake to do that. That's easier to do.

**The Speaker:** This concludes Question Time for today. Moving on to item 4, Government Business, Bills.

I would appreciate a motion to suspend Standing Orders 46 and 47.

#### **SUSPENSION OF STANDING ORDER 46 AND 47**

**Hon. George A. McCarthy:** I move the suspension of Standing Orders 46 and 47 to allow the Bills on the Order Paper to be taken.

**The Speaker:** The question is the suspension of Standing Orders 46 and 47 to allow the Bills on the Order Paper to be taken. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDERS 46 AND 47 SUSPENDED TO ALLOW THE BILLS ON THE ORDER PAPER TO TAKEN.**

**The Speaker:** Bills, First Readings.

### **GOVERNMENT BUSINESS**

#### **BILLS**

##### **FIRST READINGS**

##### **THE MONETARY AUTHORITY (AMENDMENT) (INTERNATIONAL CO-OPERATION) BILL, 2000**

**The Clerk:** The Monetary Authority (Amendment) (International Co-operation) Bill, 2000.

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

##### **THE BANKS AND TRUST COMPANIES (AMENDMENT) (ACCESS TO INFORMATION) BILL, 2000**

**The Clerk:** The Banks and Trust Companies (Amendment) (Access to Information) Bill, 2000.

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

**THE COMPANIES MANAGEMENT (AMENDMENT)  
(ACCESS TO INFORMATION) BILL, 2000**

**The Clerk:** The Companies Management (Amendment) (Access to Information) Bill, 2000.

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

**THE PROCEEDS OF CRIMINAL CONDUCT  
(AMENDMENT) (MONEY LAUNDERING  
REGULATIONS) BILL, 2000**

**The Clerk:** The Proceeds of Criminal Conduct (Amendment) (Money Laundering Regulations) Bill, 2000.

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

**THE ELECTRONIC TRANSACTIONS BILL, 2000**

**The Clerk:** The Electronic Transactions Bill, 2000.

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

**THE COMPUTER MISUSE BILL, 2000**

**The Clerk:** The Computer Misuse Bill, 2000.

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

**SECOND READINGS**

**THE MONETARY AUTHORITY (AMENDMENT)  
(INTERNATIONAL CO-OPERATION) BILL, 2000**

**The Clerk:** The Monetary Authority (Amendment) (International Co-operation) Bill, 2000.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I beg to move the second reading of a Bill entitled, The Monetary Authority (Amendment) (International Co-operation) Bill, 2000.

**The Speaker:** The question is that a Bill entitled, The Monetary Authority (Amendment) (International Co-operation) Bill, 2000 be given a second reading. The question is open for debate. Does the mover wish to speak to it?

**Hon. George A. McCarthy:** As the Memorandum of Objects and Reasons states, this Bill amends the Monetary Authority Law (1998 Revision) to bring the legislation governing the Authority (that is the Monetary Authority) into line with the requirements of global standards for

financial regulations. This Bill has been brought in response not only to the findings of the FATF but also seeks to address issues raised by the KPMG Review of Financial Regulations which is being conducted in connection with the White Paper issued by the UK entitled "Partnership for Progress and Prosperity."

While acknowledging the accomplishments of the Cayman Islands regarding the strengthening of its anti-money laundering system, the FATF also found gaps. In a letter dated 21 June 2000, the President of the FATF, Mr. Gil Galvao, took note that:

1. The Cayman Islands has been a leader in developing anti money laundering programmes throughout the Caribbean region.
2. It has served as President of the Caribbean Financial Action Task Force and provided substantial assistance to neighbouring states in the region.
3. It has demonstrated cooperation in criminal law enforcement matters and uncovered several serious cases of fraud and money laundering otherwise unknown to authorities in FATF member states.
4. It has also closed [this is the Cayman Islands] several financial institutions on the basis of concerns about money laundering.

Although the FATF was extremely pleased to learn about these accomplishments, the FATF nevertheless found, what it regarded, significant gaps in our anti money laundering system.

The areas of concern in relation to the Monetary Authority were as follows:

- "1. **Supervisory authorities cannot as a matter of law readily access information regarding the identity of customers.**
- "2. **The supervisory authorities place too much reliance on home country supervisor's assessment of management of bank branches.**
- "3. **A large class of management companies including those providing nominee shareholders for the purpose or formation of a company are holding the issued capital of a company is unregulated."**

I should emphasise that these are the main areas of concern, but there are other areas that may require addressing. This is because the FATF has evaluated the Cayman Islands (among other countries and territories) against the 25 criteria the FATF has developed from the FATF 40 recommendations in respect of which the Cayman Islands was mutually evaluated in 1996.

Although that mutual evaluation found the Cayman Islands in substantial compliance with the 40 FATF recommendations, it preceded the enactment of the Proceeds of Criminal Conduct Law, which put our legislation on "all crimes basis" and also preceded the development of the current criteria. These are the 25 recommendations. These criteria now make it clear that certain requirements are only satisfied if they are contained in the law rather than in the Code of Practice.

Members will also be aware of the publication of an advisory by the US Government following upon the



FATF report of 22 June. That advisory states that the counter money-laundering regime in the Cayman Islands suffers systemic problems. Among other matters, it mentioned that the Cayman Islands law makes it impossible for the supervisory and regulatory authority to obtain information held by financial institutions regarding their clients' identity absent a court order.

Secondly, despite its significance as an international financial centre, Cayman Islands law bars its supervisory and regulatory authority from collecting for and sharing with its counterparts records of financial transactions and customer identification (to the extent that such documents are maintained by the Cayman Islands financial institutions).

It also mentioned that **“other weaknesses in the counter money-laundering programmes of the Cayman Islands result from interaction of particular roles in a way that can vitiate former counter money-laundering requirements.”**

The advisory continues that **“these deficiencies, amongst others, have caused the Cayman Islands to be identified by the Financial Action Task Force as non-cooperative ‘in the fight against money laundering.’”** It also explains that **“the FATF, created by the 1989 G-7 Economic Summit is a 29 member international group that works to combat anti-money laundering activities.”**

The specific deficiencies in the Monetary Authority Law are described in the advisory. First, it is seen to bar cooperation that the Monetary Authority requires (a) to obtain a court order before it can obtain details of clients or customers of financial institutions. Secondly, the disclosure of such information to an overseas regulatory authority is at present prohibited or restricted.

The proposed legislation before the House at this time seeks to address these two points. Therefore, the changes to the law are contained primarily in amendments to two sections of the Monetary Authority Law, namely section 30 and section 42. There are also several new definitions in the law in particular a description of what constitutes an overseas regulatory authority.

I will now describe the main provisions of the Bill in the sequence laid out in the Memorandum of Objects and Reasons. In clause 4, the definition of “Overseas Regulatory Authority” means primarily an authority outside the Cayman Islands which exercises functions corresponding to the functions of the Monetary Authority. In other words, a financial regulatory authority. Examples of such authorities are the Financial Services Authority in the United Kingdom, a central bank in another country or the Securities and Exchange Commission in the United States.

At this point I should mention that the government proposes to make an amendment during the Committee stage in order to provide the specification of any additional regulatory functions in relation to companies or financial services activity and will be amended such that the regulations will prescribe with which authorities the Monetary Authority may cooperate and recognise for

that purpose. This is to guard against the possibility that overseas authorities may seek to utilise channels of information for inappropriate purposes.

For example, the OECD commitment on tax information exchange is not intended to utilise this law for that purpose. Therefore, cooperation for tax information exchange purposes with the IRS or other similar bodies is not envisaged under these changes to the Monetary Authority Law.

Turning to clause 5, there is to be an additional function of the Monetary Authority, namely to provide assistance to overseas regulatory authorities. At the committee stage this will be amended with the present item (e) forming item (f). There will also be a minor amendment to the present item (e) to read “functions” instead of “objects.”

Turning to section 30 of the Monetary Authority Law it should be noted that at present this section allows the Monetary Authority to make a requirement of any licensee to produce documents or other information for the purposes of the Monetary Authority functions. However this present provision denies the Authority of access to client or customer information without an order of the Grand Court, made on the grounds that there are no other reasonable means of obtaining such documents or information. This restriction is part of the reason for the listing by the FATF as non-cooperative. Therefore this Bill seeks to remove such restrictions. However in the event that a licensee or other person with relevant information fails to comply with the requirements of the Authority, it will be necessary for the Authority to obtain a court order to enforce its own requirements.

Thus there will be checks and balances on the exercise of the Authority by its powers. If a licensee or other person considers that the information should not be provided, it will have an opportunity to put its case to the court when the Authority seeks a court order. For example, if a lawyer claims that information is protected by legal professional privilege there is specific provision in the Bill to prevent such information from being disclosed.

It should also be borne in mind that the existing law provides for penalties by way of fines for non-compliance with a requirement of the Authority.

The Bill provides that not only licensees may be required to provide information, but also persons connected with such licensees. The definition of “connected persons” as contained in the law generally describes persons associated with the licensee in a business activity. In addition, any person reasonably believed to have information relevant to the enquiry being conducted by the Monetary Authority may be required to provide information. This should prevent “fishing expeditions” by the Authority as it should be required to satisfy a court if necessary that the information which sought is reasonably necessary for the purpose of its functions and relevant to the matter at hand.

The Bill also provides that where in accordance with section 42 the Authority is satisfied that assistance

should be provided in response to a request by an overseas regulatory authority, it may direct certain persons to provide information to the authority in order to satisfy an overseas request. The powers of the Monetary Authority in this regard are similar to the powers it may exercise for its own purposes and are subject to the same safeguards. To enforce a requirement for information in relation to an overseas request, the Authority will require an order from the court.

There is to be a new section 30A in the Law whereby the Monetary Authority may either authorise a competent person or exercise any of its powers to seek the assistance of the police in the exercise of its powers, which is expected only to be in exceptional circumstances where there may be a risk of violence or confrontation to the officers of the Authority. There is no suggestion that the police will have any power of search or seizure, as they will only be able to exercise the powers available to the Monetary Authority itself.

Turning to section 42 of the Law, it should be remembered that this provides at present, and will continue to provide, that information coming to the attention of the Monetary Authority will be required to be kept confidential. Any breach of this provision is at present and will continue to be a serious criminal offence.

There are, however, certain circumstances in which disclosure by the Authority is presently permitted and these are to be expanded and clarified in relation to criminal proceedings and disciplinary proceedings either relating to professional persons in the financial industry or persons in public service and the Monetary Authority.

It should be said that disclosure for criminal or disciplinary proceedings may be for use within or outside of the Cayman Islands. But in relation to criminal proceedings there is no intention to provide an alternative channel to the Mutual Legal Assistance Treaty. If the Monetary Authority obtains information in response to an overseas request which suggests that the matter is a criminal matter, the Monetary Authority will hand the matter over to law enforcement authorities in the Cayman Islands and will advise that further inquiries should proceed under the MLAT.

Some flexibility will be required in order to provide effective cooperation, as many regulatory inquiries at the early stage will require investigation before sufficient information to justify an MLAT request is available. Thus it would be wrong to prevent some information being disclosed by the Monetary Authority even though it may relate to criminal matters. It is also the case that certain conduct, which could be described as criminal or prosecuted as such, is likely to be dealt with under civil and administrative proceedings by the overseas regulator.

It will be important to elaborate on these arrangements under the Memoranda of Understanding (MOU) with particular overseas regulators with whom it is expected there will be regular cooperation by the Monetary Authority. In such a MOU, the scope of the cooperation, provisions for consultation about its operation, and arrangements regarding the sharing of costs will be cov-

ered. A MOU is not a legally binding document but is a flexible tool to enable cooperation without the necessity for a treaty, which can only be negotiated with the involvement of the United Kingdom for reasons of sovereignty.

Nevertheless, the Monetary Authority Law must allow for the possibility of such cooperation before a MOU may be made effective. Therefore the present Bill expands upon the Monetary Authority's present capability of cooperation with an overseas regulator by removing the restrictions on sharing of client information. This is the main difference between the present Law and the Law as it will be if this Bill is given safe passage.

In order to prevent fishing expeditions and to safeguard the legitimate interests of the Cayman Islands, however, there are to be additional safeguards in relation to disclosure of such information to overseas regulatory authorities. For example, in deciding whether or not to assist an overseas regulator the Authority will require or take into account the following:

1. Whether corresponding assistance would be given by the overseas regulator to the Cayman Islands.
2. Whether the inquiries relate to a breach of a law which has no close parallel in the Cayman Islands.
3. The seriousness of the matter and the importance to it of the information sought.
4. Whether it is in the public interest to give the assistance, in light of advice from the Attorney General.

It should be noted that the Authority may decline to provide assistance if the overseas regulator refuses to undertake to cooperate in similar circumstances or refuses to contribute towards the costs of the exercise in the Cayman Islands.

In addition, disclosure is not to be permitted unless:

1. The Authority is satisfied that the recipient authority is subject to adequate legal restrictions on further disclosures including the provisions of an undertaking of confidentiality (this is already in the present Law).
2. The Monetary Authority is satisfied that the assistance requested is required for the purpose of the overseas regulatory authority regulatory functions.
3. That the Monetary Authority is satisfied that any information acquired by the Monetary Authority using its compulsory powers will not be used in criminal proceedings against the person providing the information.

Lastly, as a further check and balance, any request to the Monetary Authority will require to be copied to the Attorney General to afford him the opportunity of making any representation regarding the public interest and the right to intervene as friend of the court in relation to any overseas request. These arrangements are very similar to the arrangements under the Mutual Legal Assistance Treaty (MLAT) except that the decision as to whether or not a request should be granted would be taken by the Monetary Authority. This is what the international standards expect, mainly that cooperation should be between regulator to regulator, but it is also right and

proper that there should be adequate control over the process.

It is submitted that involving the Judiciary in relation to enforcement of orders of the Monetary Authority and giving persons affected an opportunity of making representation to the Court together with the requirement to involve the office of the Attorney General will provide adequate safeguards.

It must be emphasised that unless overseas requests can be addressed, and, in exceptional circumstances where necessary, provide details of client information, the Cayman Islands will continue to be deemed non-cooperative in this regard. This is not unusual, and is indeed the norm between regulators in both onshore and progressive offshore jurisdictions.

To ensure that the Cayman Islands may continue to operate within international financial markets it is necessary to be able to cooperate with the regulators of such markets in other countries performing similar functions to that of the Monetary Authority in the Cayman Islands.

Mr. Speaker and Members of this House, I commend this Bill and thank you for allowing this explanation.

**The Speaker:** The question is that a Bill entitled, The Monetary Authority (Amendment) (International Cooperation) Bill, 2000 be given a second reading. Does any member wish to speak? (Pause)

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** These are indeed sobering times for the Cayman Islands. I am sure that there will be no shortage of commentators and people purporting to have solutions and answers, but I would caution any hasty action. I will go on to show that the Cayman Islands cannot win this battle—and it is a battle rather than a war. The Cayman Islands cannot win this battle easily because this battle has historical precedence.

While we cannot win the battle, I believe it would be hasty and ill advised to conclude that this is the end of the Cayman Islands. Contrary to what many people may perceive, I believe this is but the end of a chapter, not necessarily the end of the book.

I listened intently to what the government has had to say, particularly since Monday when the backbench and the government had a rare occasion since all these events have come to a head to really sit down together embarking on a full and frank exchange. In the beginning, I was angry and confused. But now I have come away with some clarity and an appreciation of the position the Cayman Islands finds itself in.

I want to state clearly and unequivocally from the outset the position I have painstakingly arrived at. It is a position that sees no sense in pointing fingers, that sees no merit in obstinacy and objection; sees no merit in the old philosophy of divide and conquer. Indeed, I see no merit in trying to capitalise on a situation by preaching gloom, destruction, and despair that might be premature.

I don't believe this is the time to eulogise the Cayman Islands. Rather, I believe it is a time for us to seize the advantage and move on to grow in a different direction. We absolutely must come away with lessons learned from this exercise and use those lessons to move on in a positive way so that the country can continue to prosper.

Having said all that, it would be foolhardy to believe that we should not have seen some things on the horizon. It would be less than an acknowledgement of the truth to say that we should not have anticipated some of these developments. I want to go on to highlight what I believe our failures are, what I believe led us to this position now, where we have primarily to react, where we should have been able to at least dictate some of the terms as a result of trying to be proactive.

It is a position that had its genesis years ago, perhaps in many governments past. One of the reasons for this is that we came upon the scene when we were really not prepared for the kind of success we experienced. When I say we were not prepared, it's because we entered into a system where the success overwhelmed us to such a point that we did not seek to prepare ourselves and move along. We did not understand all of the obligations and responsibilities. And the greatest fallacy is that we spent a lot of time emphasising that we were so large—we were the fifth largest international financial centre in the world! We were taken up with our own importance so much so that we did not realise that with this position, this rank, came certain responsibilities and obligations.

We did not escape the intention and the envy of larger and longer established domiciles. They resented our success and the fact that within 30 years, a small dot had achieved a status comparable to their status, many of them with civilisations, history, and politics much better organised and developed than ours. We came to the attention of the world.

In a world where geopolitics has changed since the demise of communism and the Soviet Union, Western Capitalist countries focused more attention on the affairs of the East. Hence, the new term "globalisation" came about, which means a shrinking of the world, certainly a shrinking of the interests. Nations formerly taken up with ideologies now had more time to spend on economic development, and, by inference, the way that capitalism works and the control of the world's money. We have that in all its myriad facets with the development of the World Trade Organisation and the various trading blocs and with the prominence of the European Union.

But the downfall of the Cayman Islands came (like the people in the movie *Business*) when we began to believe and take too seriously our own PR! In the world of Hollywood, it is said that an actor is finished when he begins to believe his own PR. We spent too much time dwelling on the fact that we were number five. Not to be totally unexpected, we didn't realise that with being number five came obligations and responsibilities.

If you are a champion in any division and you don't continue to train, condition, and prepare yourself, then when you are challenged you will lose your championship. Many champions forget about the gym, they forget about the heavy bag and the medicine ball, and they forget about the rules of the game. That's what has happened to us. We can't get this right by talking nonsense and pointing fingers. We cannot get this right by blaming. We have to acknowledge our faults and, like the champion we claimed to be, we have to go back to the gym. In this case, going back to the gym means that we have to revisit our laws. We have to do what is expected.

I am going to pause here so that I can be clearly understood. We don't have too much choice. And when I say that the position we find ourselves in had historical precedence . . . Thucydides, the great historian writing in the Peloponnesian War, relates an incident very similar to what the Cayman Islands finds itself in today.

There was a war between the Spartans and the Athenians—two big city states. And the Melians found themselves caught in the middle. The Melians were a colony of Sparta, and they summoned the aid of Sparta to protect them from the Athenians. And so Sparta came.

At the end of the hostilities, there was a conference. Anyone who studies international law and politics would be familiar with *The Melian Dialogue*. I crave your attention to read a short excerpt from this: "The Melians, to the fairness of quietly instructing each other as you propose, there is nothing to object. But your military preparations are too far advanced to agree with what you say as we see you are come to be judges in your own cause."

The Melians now had invited the Spartans to leave since their job of defeating the Athenians was over. Now the Melians and the Spartans sat down to work out the terms under which the Spartans may, if they chose to, leave.

"As we see, you are come to be judges in your own cause and all we can reasonably expect from this negotiation is war, if we prove to have right on our side and refuse to submit, or, in the contrary case, slavery."

The Athenians replied, "If you have met to reason about presentiments of the future or for anything else than to consult for the safety of your state upon the facts that you see before you, we will cease talking. Otherwise we will go on."

The Melians said, "It is natural and excusable for men in our position to turn more ways than one both in thought and utterance. However, the question in this conference is, as you say, the safety of our country and the discussion, if you please, can proceed in the way you propose."

I won't read everything, except this reply of the Athenians when the Melians made that proposal: "Since you know as well as we do that right as the world goes is only in question between equals in power, while the strong do what they can and the weak suffer what they must."

That is the position the Cayman Islands finds itself—the strong do what they can and the weak suffer what they must. We will suffer more if we don't do what we are supposed to do. The way out of this is not by obstinacy, and not by declaring any unilateral declaration of independence or anything else. To be deemed a pariah state, to be threatened as a terrorist state would indeed be worse. We are not prepared for that.

And then, if we resist, how long are we going to resist? We couldn't last a week. We can't even feed ourselves. Where are we going to get food? Do you think that if we defy the United States they are going to fill our ships?

And, Mr. Speaker, where are we going to go when we get ill? It will come down to these kinds of things. The bottom line is simple: the rules of the game have changed. And if we want to play, we have to play by the new rules.

I am not saying that we have to give everything. But I am saying that we have to begin by showing a willingness to cooperate. Of course, there are some frightening things, and we are going to have to acknowledge that the concessions we are being called upon to make in some instances amount to a cessation of practical sovereignty. We have not been called upon before to give this kind of accountability.

It is not a one-way street. There is a mutuality of interest. We in the Cayman Islands can manoeuvre ourselves into a position where we also benefit from some of the things we have to give up. We also get concessions in return for the concessions we give.

There is another lesson to be learned. Even the metropolitan country (the Mother Country as some people choose to term it) will take a hands-off approach when it suits her. That is what I have some difficulty with. In all of this it seems that no one is willing to grant the Cayman Islands any credit for cooperating. The Cayman Islands has been a cooperative state beginning with the MLAT and before that. It seems that now, however, no one is willing to give us credit for that cooperation. I don't know whether or not it was expected that we should have seen these things and moved along. That's the difficulty with these negotiations—the strong are not ready to give any credit to the weak.

I want to say that I appreciate what is being required by the Cayman Islands at this time. I wish I were in a position to say where it will end. But I believe—being the optimist that I am—that it is not the end of the Cayman Islands. I think it is practical and sensible to expect that there is going to be some shrinking. I have said before that this is where tourism will have to take up some of the slack in the interim.

I hope that the trickle down effect is not so great and so long lasting that it causes any major economic upset. I stop short of preaching doom and gloom because where is the viable alternative? I am still waiting for a viable alternative to be put forward. I have wrestled with this from the time I was first made aware of it. I can't see any. And believe you me, I don't consider myself the

least informed. I have toyed with ideas. I have been my own devil's advocate. I do not see a viable alternative to an element of cooperation that is expected and demanded of us at this time. First of all, it is not our money, so we can't hold on to it.

I have concerns about the transformation of the Monetary Authority in such a short time. I have concerns about the number of new staff members that will need to be taken on. I have concerns about the different role of the Monetary Authority. I have concerns about how this information is going to be accessed. I expect that the proper safeguards will be put in place. I heard the honourable Third Official Member mention that safeguards would be taken on board so that "fishing expeditions" can be discouraged.

I hope we can also get to the point where we can discuss some kind of understanding where certain matters have amnesty. Certainly, the principal concern seems to be money laundering. There can be no amnesty in that case. But I hope we don't reach the stage where the focus is on purely tax avoidance matters. Indeed, that will have an effect on us that we won't be able to take easily. But I can understand because there's a worldwide concern with the phenomenon of money laundering. It has mutated to the point where it is not as we knew it in the 1980s or even the 1990s. It has taken on a more sophisticated form.

For our own survival, it is necessary for us to equip ourselves, because if it gets out of hand it can ruin the Cayman Islands. We will be eaten up by the disease itself. It could bring this country down as it has other jurisdictions, such as Columbia, and cause a breakdown of civil society.

Some people believe that the move of the Cayman Islands is a stampede towards cooperation. But the weakness that we have at this time is not that there is any stampede, but that our human resources and our physical resources were stretched to the point where they had never had that kind of experience before. It is not easy for one group of people to always have to be operating at the top of their mental acumen when involved in large-scale operations.

I want to come back to what I see as a weakness. I believe that somewhere along the line someone should have seen the necessity for us to have beefed up the resources and developed our infrastructure to the point where we at least had some semblance of an idea that this day would have come.

I am reminded of a conversation the former Second Elected Member [for Cayman Brac and Little Cayman] and I had in May of 1996 with some of the personnel of the Foreign and Commonwealth Office. I am reminded of a specific conversation with Mr. Patrick Moody. He said to us at that time that the United Kingdom was concerned about the business of the Cayman Islands as far as it related to it being an international financial centre.

The United Kingdom was getting pressure from Canada and he detailed that the Canadians said that 43% of their gross domestic product was outside of

Canada. He said they were getting pressure from Germany. He said that the French were as miserable as always. And they all, I gathered, were complaining about the role and position of the Cayman Islands in international financial circles.

At the end of his exposition, we asked him what he expected us (in the Cayman Islands) to do. He replied "Well, you should invest in better equipment for Cayman Airways and develop your tourism infrastructure because when we are finished with you, that is all you are going to have to lean on. You won't—I emphasise WON'T—be operating in international financial circles at the level you are operating now."

We didn't press the gentleman because it was indeed a little alarming to us. I would be very surprised, however, if the position he gave in May of 1996 was exclusive to the former Second Elected Member for Cayman Brac and Little Cayman and me. That leads me to this point: At what time were we aware that we would come under this kind of pressure? Did we somehow lull ourselves into a false sense of security that we would be able to continue to operate as we had been accustomed to operating? The weakness we find ourselves with now is that we should have anticipated somewhere along the line that we would have been pressured in this way.

Being number five—and the world knew we were number five!—we could not have gone without due attention. Perhaps the most obvious warning came when it was rather late, that is, when the OECD put out its booklet on harmful tax competition. There was some activity but we should have flurried to understand what was going to happen.

I am going to suggest that the time has come, if we are going to continue in this business, that we now have to invest in a department or unit structured so that we have a financial services intelligence unit. Its primary responsibility being collating, researching and seeking out trends and developments going on in the world of international finance with a view to anticipating developments and ensuring that the Cayman Islands is eminently poised to be proactive in the event of substantial change where laws may need to be modified, where positions may be needed to be taken, and where we can develop a public relations exercise which will ensure that our objectives and our actions are not misunderstood, and where we can make our case clear and plain that we are meticulous, cooperative, and serious. A financial services intelligence unit.

I would add that perhaps we already have the beginnings in the Secretariat we have established. It makes sense to invest in this and to broaden it into a sophisticated entity where we have state of the art communications, the best financial services intelligence gathering capabilities, and where we have people who are quite capable of informing the relevant departments, government members, members of the delegation, so that they can be prepared and apprised.

To remain a contender means that we have to continue to train and condition ourselves. If we discontinue

going to the gym, and discontinue the roadwork and the exercise, we will have to concede our position in the top ranks, and we will fall. We have to become proactive rather than reactive.

It is unfortunate that we now find ourselves in a position where we are fighting in the 14<sup>th</sup> round and we're behind. We have to fight with a flurry of activity. We don't want to go down because we cannot go down! Our intention should be to fight to a draw, but we can't lose. Fighting to a draw means that we have to bargain with these people. We have to discuss and cooperate. There's no other way.

We have to yield some turf because we are not in any condition to fight. And even if we were, I am not convinced, knowing the facts as I now know them, that we could win. What is the alternative? Defiance? Then we could buy a year or two, but do you know what would happen? First of all the UK wouldn't allow it to happen.

Do you think that the UK would allow us to defy the OECD of which it is a founding member? Do you think the UK would be willing for us to defy the G-7 of which it is a member? Do you think it would be willing for us to defy the FATF, the Financial Stability Forum and all these other organisations? No! One thousand times No! It would not allow us. They would come and suspend the Constitution, throw us out of office and rule from over yonder. They would rule by an Order in Council. They would send every one of us home, Mr. Speaker, including your good self.

The UK itself at this very point in time is considering issuing an advisory against us. So is Canada. There is absolutely no room for us to be obstinate. We have to show these people that we are willing to sit and discuss. We have to call on them (as the Melians called on the Spartans) to be reasonable, to be fair, to leave us with some dignity, leave us with some semblance (as the Japanese say) of saving face. But we have to be prepared to give up something.

I can be as adversarial . . . heaven knows, I have no particular love for the National Team Government. I take special pride in saying that I am a Backbencher—No, Mr. Speaker, greater than that—I am Opposition! I declared it on the day of swearing in on 27 November 1996. But today my suit is different. I have, for the survival of my country, to close ranks and stand with the government on this issue. Tomorrow I might have occasion to differ with them on a different matter, but today I would be less than responsible if I did not acknowledge that we are in trouble. And the only way to get out of it is to temporarily close ranks and see how best we can meet the demands, obligations, and requirements.

Now is not the time to play politics. The Cayman Islands as an entity that has experienced great economic success is under threat. I have examined the case. I have been in a position to see it from all of its various aspects. I see no other way out. I don't have any alternative that is more viable than trying to make these amendments. I said where I saw the weakness, and I hope we have learned from that. I have proffered a sug-

gestion that I think we can benefit by if we develop this financial services intelligence unit. I have to support what I think is worthy of support.

I am going to take my seat, and I suppose I am going to have to take my licks. But I have taken licks before. I refuse to be dishonest. I refuse to destroy the country. I was not elected to do that. At this time I cannot encourage anyone to do other than what I think is appropriate, defensible, and true at this time, that is, to look and see how these various Laws, The Monetary Authority Law, The Companies Law and the other related laws, can be amended to meet the expectations and obligations that the international agencies and these countries have demanded of us.

It's frightening to think that the Confidential Relationships Preservation Law, as we know it, is going to be changed, dismembered . . . it might be gone. But that's not the end of the world. We can craft something else which is just as acceptable. The challenge now is for us to learn and get into a position where the next time we are faced with this we can be proactive rather than reactive.

I could speak all day, but I would have nothing more to add than that sir. I am not eulogising the Cayman Islands. We are in a challenge. God has blessed us before, and He will continue to bless us. This is the time for us to close ranks. I will have many more opportunities between now and November to highlight my differences with government and to, as we say in this hallowed hall, beat up on them. But today is not one of those days.

**The Speaker:** Does any other member wish to speak? The Fourth Elected Member for George Town.

**Dr. Frank McField:** There have been so many times when we come together during a crisis, a hurricane, during a storm, we feel somehow that the only sensible thing we can do is look out for the general good. But there's a danger there, especially when the crises are so often, and so often provoked by crisis management, that we are so righteous in all that we do that no one dare question us. It is an attitude that does not allow critical appraisal or constructive suggestions, and, as a result of not being able to critically appraise our actions, we sleep until we are awakened by the storm.

Then we run out in the wind to get the board to board up the house. But by that time, so much wind has come inside that it will take out at least one or two parts of the lumber.

I am saying all this to say that four months before an election government is using their negotiation in Washington to suggest they should be voted for again in order to continue such mismanagement. It is funny how we get up here today and somehow merge with them but when they get on TV they take all kinds of credit for their fantastic accomplishments.

I am not going to give them the benefit of my approval simply. That approval will come with additional critique and with the hope that we can get rid of the sys-

tem of crisis management that is basically led by the Leader of Government Business. It is quite obvious in the short time I have been here that that minister listens better when there is a crisis. When everything is going okay he is a completely different gentleman. But today we know he will sit down and share information. He will cooperate and be willing and hopeful that we can come together as a Legislative Assembly to defend a particular policy which is the result of this.

Why are we wondering if we have a choice? I think that's an important factor, but it's not the most important question. The most important question is about the right and wrong of something. What we are talking about today is not about taxes, it's not about the OECD. We need to make that clear. This particular debate is in regard to the attempt by the FATF to create measures that would mitigate against the continual practice of criminal laundering of money in different jurisdictions including their own jurisdictions.

All we have to do is look at the state of affairs in Columbia. All we have to do is look at our own society that is being adversely affected by crack cocaine. All we have to do is see what happens in the ghettos of the US in order to take up a position that to counter money laundering is a positive thing, not something that we should be doing because someone put a gun to our heads. It is something we should have had the sense and dignity to initiate ourselves because it is good.

Of course, it happens that some of us believe we can be righteous and be against certain things because the Bible says we should be against that. But if we create a system of laws that allow us to harbour criminals who are responsible for the increased development in crime not only in societies like America, Canada and Great Britain, but in our society, if we have the sense to understand that that is exactly what our system of secrecy allows then someone should not have to lead us to a table with a gun to our heads to get us to begin to cooperate. That's what I am saying.

Why is it that with all the puritanical values we hear people spouting that it was not possible for the National Team Government—since 1992 when it came into power—to figure out that this was not just a moral direction, this was the political direction the world was going in? And that if we did not follow in a cooperating manner that we would be penalised at the finish line? Today we are going to give that government another four years, basically, by coming in here and propping them up simply because the country must stand together.

Yes, the country will stand together. I will not fail my obligation; but I will not let them off the hook so easily. I understand that the amendments the Financial Secretary is bringing here in regard to the Monetary Authority are amendments that allow the Authority to act as a regulatory body, as a supervising institution that makes it possible for it to request information, that it gives it a sovereignty. I believe each country talking about sovereignty and challenging other countries for invading that sovereignty should exercise that sovereignty by actually hav-

ing laws that require, in particular circumstances, that information be exchanged or disclosed to the sovereign members of that particular state.

Therefore, the Monetary Authority Law, as we see it . . . what is sovereign there is the persons who set up these financial service institutions within the Cayman Islands—the banks, the lawyers, the trust companies. They are sovereign in that they can make the choice themselves that there is no authority, in that sense, by law which allows that disclosure of information in specific cases in regard to criminal activities and the laundering of the proceeds of those criminal activities. So who should the corresponding authorities from the US or Canada come to in the Cayman Islands that would have the sovereign authority to request this information? No authority! What we will find when we come here is *'It's him. No, you should go to him. No, it should be her. No, I thought she could solve the problem. Well, I don't have the power. Well, she has the power. No, he has the power . . .'*

I know in our daily lives in trying to resolve certain types of issues we go around in circles. I don't believe that the authorities abroad want to go through that. They want someone specific, some specific institution that will be responsible.

The maturity that is being forced upon us over the past month is not just maturity in regard to the laws that govern our financial services; it's also maturity in regard to the entire governmental structure we have. I feel that if we understood that these things would be coming on us, then over these months and years we should have been trying to develop a domestic economy, an internal economy.

All that I have said in regard to the OECD or any of these demands was that the government should come and explain to the people what's happening. Explain the changes. Try to predict what effect some of these changes would have on the financial institutions because it's not the only pillar of our society. We have tourism as well as banking.

We can now put more emphasis in agriculture, for instance. There's the internal construction boom to build homes for the people. So, it's not just foreigners that should come here and buy real estate, we should be encouraged to afford to buy and build homes. We can make profit from trade among ourselves as well. We should never have waited until the last minute to make the internal preparations for the storm that was approaching.

When discussing this matter the Minister of Tourism said that nobody could have seen today, that no one had that vision. I dispute that. And now I have a chance to criticise his government for their lack of vision. He has to prove to me that I didn't have the vision! If he wants to, he can go to CITN and rent a copy of the talk I gave in regard to the White Paper and the OECD. It is documented there. The criticism I made was that government refused to truthfully share information, or fairly share information, with members of the backbench and with the

general public in order to brief us as to what the ultimate outcome of all the travels and negotiations would be.

If you are on the blacklist, or if there is an advisory put out against you, how can you negotiate when they have already made their decision? You negotiate with a person before they come to a published conclusion. You cannot take up a published conclusion, go to somebody and say you have negotiated when the published conclusion is there. All you have done is gone to them and said, *'Now we will do what we should have been responsible enough to do many months ago. We will now do what the international community wants us to do. We will now do it because you have now told us that's it—finished! Finito! You're on the blacklist.'*

And now we want to take ourselves off that blacklist, and you call that negotiation. Well, the negotiations really took place yesterday and the day before yesterday in the conference room here when you started as a government to discuss with us the specific legislation and ask for our cooperation. You knew that you were talking to responsible and sensible people that would agree with you at the end of the day that there was no way around complying. I agree. There is no way around complying with these demands.

What I do not agree with—and I will not agree with—is that we should have to have a gun put to our heads to decide that every possible step should have been taken, and should be taken in the future, to make sure that our laws and our financial institutions do nothing to support the plague which helps to ruin the lives of people in this country and others, that is, to support the drug trafficking situation.

If it is said that what we will lose is a very small percentage of our business because we have advanced to become a very respectable, efficient, very capable financial management jurisdiction, that means that we should have been cooperating—unlike a lot of other countries in the world that need to at least give the impression that secrecy will hide those persons who have done wrong.

How many of us have read *The Firm*? How many of us saw the kind of criminal activities that took place in the Cayman Islands? How many of us notice that just about all movies about criminal money laundering mention the Cayman Islands, not Barbados? Not The Bahamas. It's the Cayman Islands. The Cayman Islands is number one! What have we been doing to make sure that something is done to at least counter that impression in the minds of people in these other jurisdictions?

We know that the people in power in the UK believe that this is what is happening. Sometimes when a myth is created, it is very hard to distinguish between myth and truth. We are suffering from the fact that we allowed the myth to continue long after we needed the myth to support us. We have long become a jurisdiction that has more expertise, a good environment, low crime, friendly people still, flexible, stable, government. All of these things attract good money. Therefore, it is realistic for me to accept that there's more good money in the Cay-

man Islands then in other jurisdictions where these identical conditions do not exist to the same extent.

What happens if we open our hands? Are we afraid that there will be something in our hands that should not be there? I don't think so. I think that we are the jurisdiction that could have cooperated from the very beginning. At the end of the day, when the phrase "sacrificial lamb" is used, in a sense we could have sacrificed ourselves. If somebody is going to come to sacrifice me, and I have the same principles as the person who is going to sacrifice me, I am going to volunteer. I am going to say *'Have me, because I believe in what I am doing. You don't need to lead me. I am convinced by the righteousness of my stand. I am able to lose whatever little I will lose for it and come back as a virtue.'*

I think we have lost that proactive possibility and we are now set into this reactive situation. But I do compliment the honourable Third Official Member. I remember when he brought the OECD question to us some years back, and how he was afraid because of the kind of vibes he was getting from certain members of government. If had not given us the book to read, to begin to make the demands a little more public in the Cayman Islands, we might not even have gotten as far as we did.

There is something wrong when we hide from our people how other people feel about us, or what other people want from us. We need to give our people the opportunity to follow the discussions in the development we make. When we get here and say that other people are ranting and raving and going on in a particular way, they may be going on in this particular way because they do not understand the situation as well as we do because we have been able to follow the developments where they have not.

**Mr. D. Kurt Tibbetts:** And that brings a natural distrust!

**Dr. Frank McField:** And that brings a natural distrust, annoyance that the government we elected—that the people we elected to the Legislative Assembly would now come in here and hurriedly change these laws without having sufficiently explained it to us.

My job in the past has been to keep the people appraised as much as I can with the very limited information I had. But based upon the principle that if this is what the G-7 countries wanted, this is what the G-7 countries would get, I saw what they got when they went into Panama. They went into Panama and took out what might be considered a legally installed leader. They took him to the US and tried him in the US Courts—not in any international courts.

They went into Haiti and took out a Dictator. They said, *'You be out of here in a certain amount of time otherwise this happens to you.'*

They've gone into Iraq, they've gone into Kuwait, they've gone into parts of the world and done these things because they say that what they are doing is for the general good of the world. Therefore, they feel em-



powered to do so. This is what we have to be working with and having knowledge of.

You are going over to Paris to discuss with whom? The Germans? The arrogant French? Discuss what? They don't discuss—they tell you. They demand! Once you understand that, you begin to get your house in order. I don't know how people come to the point to now assume that what is happening has to do with our constitutional link to Great Britain. It has absolutely nothing to do with our constitutional links with Great Britain because we are swimming out there and Great Britain is saying we're a dependent territory, but we better look after that because if we don't they can't help us. She has her interest on that particular level.

It has nothing to do with our constitutional link to Great Britain. It has nothing to do with our inability as a dependency to make separate sovereign treaties with other sovereign powers. It has nothing to do with that. It all has to do with economic inter-dependency.

One member mentioned that we have all the independence we need—we have economic independence. But what we have is not economic independence. We have economic inter-dependence. If we had economic independence, we could walk. But it's because we have economic inter-dependence—which is what all developed countries have—we cannot sit and make decisions for ourselves without a continuous process of memorandums of understandings with corresponding jurisdictions that we are involved with on a trade basis.

Now, when we buy cars from the US or Japan, what do we buy those cars with? What commodity is exchanged? Do we exchange breadfruit for the Toyota? Do we exchange ackee for the Gucci bags? What is the particular commodity that we produce here to exchange?

We understand that when the US is trading with Japan there seems to be some type of commodity exchanged. What are we exchanging? We are exchanging services. Our commodities are very invisible to the normal eye. They are services located in these buildings. Even when we sell our land, it's used to build buildings that will provide services. We are really in the commodity business of services. That's one reason why immigration is one very important aspect of keeping our industries efficient and effective, by having the quality of immigrant here that can be competent and productive.

The mere fact that we are exchanging services means that we take an immigrant from the UK, Canada, America, or Jamaica, and take him to create the services that we later exchange. So our commodity, our value, is not as fixed as the values that have to do with America where she might need to get steel to create cars and tractors and then we export those things.

Our service industry, which is involved with this global trade system, is a very important part of the products we are using today. We just need to bear in mind that because we need the car from Japan, because we need the clothes from China, because we need the rice from Vietnam, because we need the potatoes from Iowa, that we are a part of an inter-dependent system. They

need us, and we need them. This is how the world works. This is how civilisation has grown.

There's no such thing as any one side saying *'This is my interest. My interest has nothing to do with your interest'* drawing themselves apart and putting themselves in some so-called isolated anti-this and anti-that syndrome. That is basically what has happened to a lot of the African countries where their leadership did not understand fully the concept of commodity trading, where that became less important than who was driving what car and who was sitting in what office.

We have to bear in mind that we do not cause our people to believe that what we are experiencing today has anything to do with the constitutional link between us and Great Britain.

I am not going to take up all your time talking about this, but I just wanted to make clear to the government that: a) there is a certain amount of blame on their part, not for what they have to do, but for the kind of condition they are now doing it in; and b) I think the government needs to know that as long as this particular mindset continues—where nobody wants to mature to the point of accepting responsibility and accepting the fact that we are the fifth largest financial centre, meaning there must be political leadership, political accountability, and all the other things, and stop blaming things on other countries . . . stop saying *'Oh, poor me! They are forcing me to do this and that.'* Be big enough to be actively involved in causing certain things to happen, since you benefit from certain things.

It's important that government realises that this agreement they will get from me today is not an endorsement for them on November 8. I am not endorsing this government by endorsing the need to protect this country at this particular point. I am not endorsing this government. I am saying to the people that if they continue to have government that lacks the ability and foresight to have a new vision, a vision that tells them where they will have to go and be able to plan where they are going, they are cheated at the end of the day because that government will always be making emergency amendments to laws that the people should have been given much more time to study. The mere fact that we must do this today . . . I am not cheating the people of their democratic right to have access to these amendments and discuss them. I am doing this simply because the urgency commands that I do this today.

The mere fact that it is urgent today, the mere fact that government allowed itself to get on this FATF blacklist, the mere fact that Canada has published an advisory about doing business with the Cayman Islands, and that business might not be good business, has to do with a lack of intelligence on the part of the government. When I say that, I don't mean that they don't have intelligence, but they were not gathering the information because that's what makes us intelligent—information at our disposal, not our brains. We all have brains! We need the information to be intelligent.

They should have been doing so since 1992 when the National Team was elected. We were out there promoting tourism, out there having this function, that function and another function. The big bully came from the US, right into our backyard. Why? Because we never really wanted to do what we are now having to do today.

We were never on the side of virtue, justice, and transparency. Now that we have a gun to our heads we must do it. But I do it because I believe it is right.

**The Speaker:** I think this would be an appropriate time to take the luncheon suspension. We shall suspend until 2.15.

#### PROCEEDINGS SUSPENDED AT 12.52 PM

#### PROCEEDINGS RESUMED AT 2.24 PM

**The Speaker:** Please be seated.

Debate continues on the Monetary Authority (Amendment) (International Co-operation) Bill, 2000. Does any other member wish to speak? The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I recall the collapse of Interbank in 1975, which was shortly after I joined the civil service. It was not long after that it was determined that the Cayman Islands government needed an inspector of banks and trust companies division. I was the first Caymanian employee of that division. There were only two of us, the Inspector of Banks and me along with a couple of secretaries and support staff. Former Financial Secretary, Sir Vassel Johnson, arranged training for me in North Carolina with the banking department there, in supervision. I spent about one year around Washington DC and North Carolina working with the FDIC examiners, the Controller of Currency Office and the State of North Carolina Bank Examiners.

Upon returning to this country, I had the opportunity to serve as acting Inspector of Banks on a number of occasions. I recall the Financial Secretary asking me for my thoughts on the need of the Inspector's office in writing. As far back as 1978, in response to his request I put in writing exactly what is being asked for at the present time.

I said to the Financial Secretary that we should have the in-house ability ourselves to conduct spot examinations of banks operating in our jurisdiction. I regarded the Inspector of Banks division in those days as nothing more than a façade as a supervisory authority, but specifically geared as a revenue earning division of government.

I also recall that one of the Inspectors I worked with at the time got some information and found it necessary to have a look at one of the banks operating here, a private bank. And he didn't say anything to me—having just returned from Washington DC with a year's experience as an examiner. He went out and I wasn't even aware he was gone. But when he came back he told me that he'd

had a look but couldn't make heads or tails of what had to be done, and he wanted to know if I would do a little examination for him. I said I would. I put together a little programme and went out and satisfied myself that the banks management and financial position was sound.

On another occasion, I accompanied the Inspector of Banks to one of the local banks, and before he could even open his mouth, he told the bank manager that if he objected my being there, he would have to go and get permission from the courts. Now, Mr. Speaker, my personal but informed opinion is that the amendments being brought to the Monetary Authority Law are very positive. I believe the ability of the Monetary Authority to gather information from the financial institutions doing business in this country for its own purposes is very healthy, very positive indeed.

Under the Banks and Trust Companies Law (unless it has changed tremendously recently), if the Inspector of Banks is concerned with the operations of a financial entity in this country, he goes out and engages a firm of chartered accountants to look at the financial position of that particular institution. From my experience in working with the examiners in Carolina and Washington DC, when an examiner goes in to look at the financial affairs of a bank, he does not only look at the financial affairs in dollars and cents, but he also evaluates the management of that particular institution.

He makes recommendations based on his findings of the financial position as well as management. Today you can be financially sound, but if you don't have the management in place to continue that success, you can run into problems down the line. So I believe that if the Monetary Authority is going to operate as a regulatory authority of the financial institutions in this country they should have access to that information of company accounts, client accounts, whatever. They are in a confidential position, but at the same time, they require information to arrive at informed decisions on the financial affairs of that entity.

The Cayman Islands boasts over 500 banks. I think it's close to 600 now. And the majority of them are branches of large reputable international banks. There should be a relationship between the Authority here and the Authority in the home office jurisdiction with regard to the exchange of financial information in order to get an overall picture of the financial position and the management position of the entity as a whole.

There are controls in the Law to ensure that any information exchanged between the Monetary Authority here and regulatory authorities in other jurisdictions is still subject to confidentiality. And it's a breach to disclose that information without prior permission to a third party.

The other safeguard in place is that when a request comes in from an authority overseas it first of all comes in writing. The Authority has the responsibility of advising the Attorney General's office of that request. The Attorney General has the responsibility of vetting that information. If he is not satisfied with the request then the

information is not passed on to that regulatory authority. The exchange of information is also subject to a memorandum of understanding between the other jurisdiction and our regulatory authority. So it's spelled out in detail what safeguards are in regard to cooperation between the two jurisdictions.

Knowing the other jurisdictions we are going to be doing business with, it is a concern of mine that once information is received that the regulatory authority in that jurisdiction that third parties in that country might attempt to gain access to that information. But I believe once the Cayman Islands is made aware of that activity it puts the onus on them to say they are not operating in a responsible manner, and not abiding by the conditions of the memorandum of understanding. And in the future we may refuse to cooperate with them.

Under section 4 of the amendment to the Monetary Authority Law, it says, "**Where a person fails to comply with a requirement under subsection (2) or a requirement under subsection (3) within three days of a date of requirement of direction or such longer period as the Authority may permit, the Authority may apply to the court for an order requiring the person to comply with the requirement or direction.**" So, if the financial institution from which this information is being requested is not also comfortable with the request, and they feel that the request is unjustified or unreasonable, or constitutes a "fishing expedition," they have the right to refuse to comply with that request immediately. And what the Monetary Authority then has to do is apply to the courts for directives to that financial institution to cooperate.

There's also a very tight timeframe within which this must be done. It says, "**the court shall process an application under subsection (5) within seven days of its receipt and shall send the results of the examination to the Authority within fourteen days of the examination.**" It's a very tight timeframe within which a decision is made in regard to a request.

I believe it's a very positive move from the standpoint of putting the Monetary Authority through its banking division in a position where it is much better informed. They will be in a position to keep a closer eye on the activities of what's going on in the banking sector of this country.

The other fact is that the Inspector of Banks in the Monetary Authority in regard to the branch banks operating here, pay very little attention to them because they are just a branch of a large international institution. But, as I said before, I believe we need to have the ability ourselves to monitor whatever goes on here in the banks or financial institutions doing business in this country.

I believe that if we are going to boast of being a first class financial centre that we need to play by first class rules. We are in there with the big boys. There are certain policies and procedures practised by these other jurisdictions. I believe that we have come a long way in regard to bank inspections and bank licensing in this country. But this move to amend the Monetary Authority

Law will even improve the performance and credibility of the Monetary Authority.

I support these amendments. I want to commend the honourable Third Official Member for bringing it. I believe the Third Elected Member for Bodden Town and the First Elected Member for George Town basically advocated this same approach: I think it's time for us in this country to put ourselves in a position where we can be proactive. We can look at things before they have to be done and make the changes we feel are in the best interest of whatever aspect of the industry, rather than sitting back and waiting, hoping everything will be okay, until the Authority overseas says '*Gentlemen, you have to get your house in order. If you don't, we are going to impose sanctions against you.*'

Like the Fourth Elected Member for George Town says, when that happens you are no longer in a position to negotiate anything—in the case of the US, they've already issued an advisory. We don't have a lot of options to think this over. Knowing the US, this is only the first step that they will take to make us cooperate or comply with what they feel is the necessary requirement.

My concern over this issue, this being an election year, is that we have candidates on the outside that are uninformed of the position. They haven't taken the time to even come here and sit in the gallery to listen to what's going on. They are using information in the wrong manner to stir up fear and frenzy among our citizens, misinforming them. I see no reason why we should not do what is being requested here, by way of amendments. We have cooperated all along with the United States with the Mutual Legal Assistance Treaty and the Narcotics Treaty and a number of other very important legislation. They can resort to all kinds of tactics to force us into a very unpopular position. They could easily stop our flights going into Miami and other gateways to the US. They can stop our ships from picking up food in Miami.

It is unrealistic for us to believe that we are in a position to fight the rest of the world. As far as I am concerned, we are really not in that position. I support the position we are taking, the actions being requested here. I believe it's very positive. I give these amendments my full support.

**The Speaker:** The floor is open to debate. Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause). If no other member wishes to speak, would the honourable mover care to exercise his right of reply? The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** I would just like to commend the honourable Members of this House who spoke on the Bill for their very sage comments. All of the very useful comments have been noted. And, once again, I thank you, Mr Speaker.

**The Speaker:** The question is that a Bill entitled the Monetary Authority (Amendment) (International Co-operation) Bill 2000 be given a second reading. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE MONETARY AUTHORITY (AMENDMENT) (INTERNATIONAL CO-OPERATION) BILL, 2000, GIVEN A SECOND READING.**

**The Speaker:** Bills, second reading.

**THE BANKS AND TRUST COMPANIES (AMENDMENT) (ACCESS TO INFORMATION) BILL, 2000**

**The Deputy Clerk:** The Banks and Trust Companies (Amendment) (Access to Information) Bill, 2000.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I beg to move the second reading of a Bill entitled, The Banks and Trust Companies (Amendment) (Access to Information) Bill, 2000.

**The Speaker:** Will you speak to it please?

**Hon. George A. McCarthy:** This is one of the Bills that connects with the Monetary Authority amendment Bill we have in front of us at this time. The purpose of this amendment is to repeal the restrictions in the Banks and Trust Companies Law, which precludes the Monetary Authority having access to client information in the absence of a court order. Thank you.

**The Speaker:** The question is that a Bill entitled, The Banks and Trust Companies (Amendment) (Access to Information) Bill, 2000 be given a second reading. The motion is open for debate. (Pause) Does any member wish to speak?

If not, would you care to exercise your right of reply?

**Hon. George A. McCarthy:** Just to thank honourable members and yourself for the support of this Bill.

**The Speaker:** The question is that a Bill entitled, The Banks and Trust Companies (Amendment) (Access to Information) Bill, 200. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE BANKS AND TRUST COMPANIES (AMENDMENT) (ACCESS TO INFORMATION) BILL, 2000, GIVEN A SECOND READING.**

**The Speaker:** Bills, second reading.

**THE COMPANIES MANAGEMENT (AMENDMENT) (ACCESS TO INFORMATION) BILL, 2000**

**The Deputy Clerk:** The Companies Management (Amendment) (Access to Information) Bill, 2000.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I beg to move the second reading of a Bill entitled, The Companies Management (Amendment) (Access to Information) Bill, 2000.

**The Speaker:** Please speak to it.

**Hon. George A. McCarthy:** This is the second of the two Bills that connect with the Monetary Authority amendment Bill, and the purpose of this Bill is similar to the amendment to the Banks and Trust Companies (Amendment) (Access to Information) Bill. It is to repeal the provision in the Companies Management Law, which precludes the Monetary Authority having access to client information absent a court order.

**The Speaker:** The question is that a Bill entitled, The Companies Management (Amendment) (Access to Information) Bill, 2000 be given a second reading. The motion is open to debate. Does any member wish to speak? (Pause) Does any member wish to speak? (Pause)

If not, would you care to exercise your right of reply?

**Hon. George A. McCarthy:** Once again, to thank you and honourable members for their support.

**The Speaker:** The question is that a Bill entitled, The Companies Management (Amendment) (Access to Information) Bill, 2000 be given a second reading. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE COMPANIES MANAGEMENT (AMENDMENT) (ACCESS TO INFORMATION) BILL, 2000, GIVEN A SECOND READING.**

**The Speaker:** Second readings.

## **THE PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) (MONEY LAUNDERING REGULATIONS) BILL, 2000**

**The Deputy Clerk:** The Proceeds of Criminal Conduct (Amendment) (Money Laundering Regulations) Bill, 2000.

**The Speaker:** The Honourable Second Official Member who spoke thereon.

**Hon. David Ballantyne:** I beg to move the second reading of a bill entitled The Proceeds of Criminal Conduct (Amendment) (Money Laundering Regulations) Bill, 2000.

**The Speaker:** If you wish to speak to it, please continue.

**Hon. David Ballantyne:** Thank you Mr. Speaker and Members of the Legislative Assembly.

Today we are addressing issues concerning the scourge of money laundering—which has become a global phenomenon and represents a threat to world economies and the rule of law. It's not only in offshore jurisdictions, or tax havens, that such threats are present; it's often the case that criminals and their confederates in metropolitan countries seek to utilise the facilities of an offshore jurisdiction to disguise the proceeds of their criminal conduct. They launder their money by concealing its origin and their connection with it so that it resurfaces elsewhere in such a way that no one can connect the resulting funds with the original criminal conduct. Even if funds can be traced to criminal conduct, there will often be a problem connecting that conduct to the criminals concerned.

For these reasons, in 1996 the Cayman Islands was a leader in enacting the Proceeds of Criminal Conduct Law, which criminalised money laundering in relation to all serious crimes, rather than in relation only to drugs money laundering which had been the previous position. This was a consequence of global development, but it represented also an acknowledgement by affirmative action that the Cayman Islands recognise the part it required to play in addressing and countering money laundering.

The present Law contains several criminal offences in sections 21, 22 and 23, whereby anyone who assists another person to retain the benefits of criminal conduct when he knows or suspects that the other person has been engaged in criminal conduct, or has benefited from it, is guilty of an offence and liable to imprisonment for up to 14 years. Similarly, anyone who knowingly acquires or possesses another person's proceeds of criminal conduct is guilty of an offence.

Anyone who conceals, disguises, converts, or transfers property representing the proceeds of criminal conduct also commits an offence.

At present a defence to such a charge may be provided by a person disclosing to the reporting authority a

suspicion or belief that any property is another person's proceeds of criminal conduct. To avoid being implicated when facilitating money laundering, a financial service provider would at present require to report such a suspicious transaction. It's on this basis that the laws presently stand.

Although there is a Code of Practice issued under the Proceeds of Criminal Conduct Law, by its own terms it is voluntary. It does, however, contain guidance as to the internal reporting procedures to be established within a financial institution, or service provider, as well as providing for the identification of clients for business and record keeping in relation to their identity and the financial transactions they conduct through the financial service provider concerned.

Regrettably, at this stage the FATF in its review concluded that the existing regime to counter money laundering in the Cayman Islands is insufficient to meet international standards—their standards being reflected in the 40 FATF recommendations. Recommendation 15 of those recommendations states: **"If financial institutions suspect that funds stem from a criminal activity they should be required to report promptly their suspicions to the competent authority."**

This has been interpreted by the FATF to mean that the absence of an efficient mandatory system for reporting suspicious or unusual transactions to the competent authority (provided that such a system means to detect and prosecute money laundering is a detrimental rule. The FATF point to the fact that the Code of Practice is not mandatory and that there is no obligation on financial service providers under the law to have a system for reporting suspicious transactions.

I should add at this point that the argument was put to the FATF that the present laws contain what might be regarded as an indirect requirement to report suspicious transactions, since that is the only certain way (if there is a certain way) of avoiding being implicated in money laundering.

However, the further point to FATF recommendations 10, 11 and 12, is that they have additional requirements identified as mandatory by the FATF. Recommendation 10 states that **"financial institutions should not keep anonymous accounts or accounts in obviously fictitious names. They should be required to identify on the basis of an official or other reliable identifying document and record the identity of their clients either occasional or usual when establishing business relations or conducting transactions."**

Recommendation 11 states that **"financial institutions should take reasonable measures to obtain information about the true identity of the persons on whose behalf an account is opened or a transaction conducted if there are any doubts as to whether these clients or customers are acting on their own behalf."**

Recommendation 12 (the third of the trilogy at this point) states that **"the financial institutions should maintain for at least five years all necessary records"**

**on transactions both domestic or international to enable them to comply swiftly with information requests from the competent authorities. Financial institutions should keep records on customer identification, account files, and business correspondence for at least five years after the account is closed. These documents should be available to domestic competent authorities in the context of relevant criminal prosecutions and investigations.”**

The absence of an efficient mandatory system for reporting suspicious transactions and the lack of criminal or administrative sanctions in respect of the obligation to report suspicious transactions has caused the FATF to fail the Cayman Islands on its criteria numbers 10 and 11.

The Cayman Islands has also been failed on criteria 5 and 6 due to the lack of effective laws or regulations on identification by financial institutions of clients and the beneficial owners of accounts; and the lack of a legal obligation to record and keep documents connected with the identity of those clients and records of their financial transactions.

It is proposed to deal with these criticisms by enacting the relevant parts of the Code of Practice in a different form, namely, in regulations made under the Proceeds of Criminal Conduct Law. This cannot be done at present because there is no such power to make regulations in the law. The Bill therefore seeks, firstly, to enable the Governor in Council to make such regulations. And in order to empower the regulations to contain sanctions for non-compliance with the regulations, it is necessary that the Bill provide that the regulations may contain penalties.

These are set out in the Bill. They are criminal penalties and there should be no misunderstanding about that. Failure to comply with the regulations will constitute a criminal offence. On summary conviction for a breach of the regulations there is a fine not exceeding \$6,000 which is the equivalent of the fine under the UK regulations. In serious cases that proceed on indictment, the penalty would be an unlimited fine or a period of imprisonment of up to two years.

Regulations have been drafted and circulated in draft form before the House in order that members of the House, the financial services industry and the public may know what is proposed. As the regulations may not be brought into force until the law has been passed, it has been agreed that representations concerning the regulations may be made with a view to meeting further with the private sector early next week to address concerns and consider possible amendments to those regulations.

It should be said, however, that the regulations have been modelled on the money laundering regulations of the United Kingdom which in turn reflect international standards and therefore compliance with current FATF standards in relation to procedures for client identification, record keeping and the reporting of suspicious transactions.

And if I may just say, it's important that we try to adhere to those standards—and show that we adhere to them—in order to achieve what we are seeking to do. That's not just in my opinion to satisfy the demands of the FATF, if that's how it's viewed. It is what should be done in a mainstream financial centre, which is of significance and standing.

The further main provision of the Bill is to provide for a new offence of “Failure to disclose knowledge or suspicion of money laundering.” At present, there is no direct legal obligation on financial service providers to report to the reporting authority under the Proceeds of Criminal Conduct Law a suspicious transaction. Such a requirement to report suspicious transactions is at present part of the law of the UK, but only in relation to drugs or terrorist offences. It is expected, however, that the UK and the international community will move towards the reporting of all suspicious transactions regardless of the type of crime they are thought to relate.

In this regard, in my submission the enactment of such a measure will make it clear beyond all possible doubt that the Cayman Islands adheres to the highest international standard. There are similar obligations, I understand, operating in the United States, and it is only a matter of time, in my opinion, before all countries are required to make such provision.

The advantage, in my view, of being required to report all suspicious transactions as opposed to only certain types of transactions such as drugs or other crimes, is that a financial service provider is unlikely to be able to tell without investigation, which he should not be required to do, what type of crime underlies the criminal proceeds. All he needs to know or suspect is that the money stems from criminal conduct and appears to be money laundering.

In that event, all he is asked to do is to report in confidence the suspicious transaction to the reporting authority in order to provide protection to himself or his institution against the charge of being implicated in money laundering, or to avoid being charged with the new offence of failing to disclose a suspicious transaction.

The new offence, in order to be credible, requires to carry criminal penalties, and these are set out in the Bill. On summary conviction, the person convicted would be liable to a fine not exceeding \$50,000. For serious cases on indictment, an offender would be liable to imprisonment for a term not exceeding two years, or to a fine, or both.

It should also be noted that it is not an offence for a professional legal advisor not to disclose any information that has come to him in privileged circumstances. These circumstances are defined in the Bill. Furthermore, it's a defence to a charge under this new offence that the person charged had a reasonable excuse for not disclosing the information or other matter in question.

Naturally, where a person discloses to the reporting authority the suspicion or belief that another person has engaged in money laundering, a disclosure is not to be

treated as a breach of any law giving rise to civil or criminal liability. And it's also to be a defence for a person in employment to show that he or she disclosed the information or other matter to the appropriate person within their organisation responsible for making disclosures to the reporting authority. It's expected that such procedures will be implemented by providing forms for the purpose so that there will be an appropriate record. There already is a form in existence for the disclosure of suspicious transactions to the reporting authority.

I should say briefly in relation to the new offence that it follows almost exactly the language taken from the Drug Trafficking Act 1994 of the United Kingdom. So it is modelled on a tried and tested piece of legislation. But I would emphasise that it applies to all serious crime. Therefore the new legal obligation will be to report suspicious transactions in relation to any serious crime—in other words, a matter that would be a crime within the Cayman Islands, or if it had occurred within the Cayman Islands would be a crime, not just conduct that takes place here. Conduct elsewhere, if had it occurred here, would also be a crime.

Reverting to the proposed regulations to be made under the amended Law, these provide essentially that financial service providers were required to have systems in place for client identification, record keeping and the reporting of suspicious transactions. The regulations detail what such procedures should contain in order to meet the requirements of the regulations.

For example, in relation to identification procedures, such procedures will be satisfactory if they require the production by the applicant for business to the financial service provider of satisfactory evidence of his identify, or the taking of such measures as will produce satisfactory evidence of his identity. The object is to enable the financial service provider not only to know who the client is, but also to verify the identity of that client by obtaining suitable evidence.

In certain cases, where business is introduced by an intermediary who is already subject to a similar requirement to know and verify the identity of the client, it will only be necessary for the financial service provider here to know the client. There is no exemption from the "know your client" rule.

The verification of identity of the intermediary in those cases may be relied upon by the financial service provider. Similarly, where the applicant for business himself is operating in a business that is regulated overseas by at least the equivalent of these regulations, it will only be necessary to know who the client is and unnecessary to further verify his identity as that will already have been done by the overseas applicant.

In relation to record keeping procedures, where evidence is required to be obtained regarding identity, it must be kept. And in any event, the identity of the client must be recorded as well as details of all financial transactions conducted on that person's behalf by the financial service provider. Such details must be kept for a pe-

riod of at least five years from the date of completion of business, which date is defined in the regulations.

Turning, lastly among these procedures, to internal reporting procedures, they will require that an appropriate person is identified in the organisation to whom a report of any suspicious transaction is to be made by employees within the organisation handling relevant financial business. Such a report is then required to be considered by the appropriate person to determine whether or not the report gives rise to knowledge or suspicion of money laundering. The appropriate person may seek any other information that he or she needs to make that determination, but if the appropriate person concludes that he or she knows or suspects that another person is engaged in money laundering the procedures must secure that the information in the report is disclosed to the reporting authority under the Proceeds of Criminal Conduct Law. There are also other obligations under the regulations for those in authority, including government and the Monetary Authority, to report suspicious transactions to the reporting authority.

Lastly, in relation to the regulations, it should be noted that they are not retrospective. Although financial service providers will wish to consider what due diligence ought to be conducted in relation to continuing business in order to ensure, in particular, that they know who their clients are and have records of their identity, they will also require (if they don't already do so) to maintain records of financial transactions.

I think this raises the important point that all the procedures laid out in the regulations are contained in similar but not identical form in the Code of Practice. Therefore, these procedures should already be in operation by financial service providers, covered by the Code of Practice. To that extent, it should not be unduly onerous for those financial service providers to meet the requirements of the new regulations, albeit they will now have the force of law.

If, on the other hand, it is a significant change for anyone to require that these procedures be observed, it tends to add weight to the FATF argument that they need to have mandatory force in order to be effective. In any event, it's clear that in order to address at least four of the 13 criteria to which reference has been made, such regulations are necessary. The additional new offence will also strengthen the money laundering capability and put the Cayman Islands in a leading position in this aspect of its counter money-laundering regime.

I would like to say something before beginning to wind up about some questions that have arisen regarding which transactions require to be reported, since in addition to knowing who the client is, and having records of the transaction—both of which you need to carry out a money laundering investigation (you just need to know the information is there when you need to get to it)—but the trigger point for criminal investigations is usually based on suspicious transaction reporting.

The authorities must know what is going on before they can act. Accordingly, I would draw attention to the

present wording of the Proceeds of Criminal Conduct Law in this regard. It is only conduct which constitutes, or would constitute a criminal offence if it had occurred in the islands, which represents conduct which can be described as money laundering. That is not to say, for example, that if tax is involved it is necessarily not a matter which requires to be reported. If the conduct itself—regardless whether tax is involved—would be a criminal offence within these islands had it occurred here, then the transaction should be reported if there is knowledge or suspicion of money laundering.

Often criminal conduct may be mixed up with tax matters. The one problem is to avoid using the so-called fiscal excuse for not reporting suspicious transactions if there is an element of tax involved. I mention this because people have asked the question. It is presumed, however, that this had been understood to date by the financial services industry since the law has been in force since December 1996 and reports have been made since then.

The point about the involvement of tax in a criminal offence is not to enforce other country's tax laws, but simply to avoid the fiscal excuse being put up of claiming that because tax is involved there's no need to report a suspicious transaction. The government has stated its position unequivocally to the OECD that it does not condone tax evasion, and any serious crime recognised as such within the Cayman Islands which contains an element of tax may form, in my view, a predicate offence for the purpose of money laundering.

Lastly, it should be clear . . . well, I would like to point out at this stage that a separate commitment on tax information exchange has been given to the OECD which will be dealt with by separate arrangement. So I seek to distinguish that from the reporting of suspicious transactions. I trust that will be clear.

Lastly, it should also be clear that when there is a suspicion of money laundering it does not require to be investigated by the financial service provider beyond ascertaining that the criminal conduct in question would be an offence within the Cayman Islands. In most cases, the financial service provider will neither know nor be able to establish exactly what the predicate offence is; but will know or suspect that someone's engaged in money laundering of one kind or another. If they are wrong about that, no further action will be taken and the matter will be kept confidential. If they are right, then the authorities will be able to deal with money laundering effectively.

It's recognised that the introduction of the new money laundering regulations will mean that the existing Code of Practice will require amendment to bring it in line with the new regulations. If there is any doubt in the meantime, the regulations, once they have the force of law, will prevail as they do have the force of law and the Code of Practice does not. In any event, there will be an early revision of the Code of Practice taking into account guidance notes presently used in the UK to complement their money laundering regulations upon which the new

regulations have been modelled with the distinct purpose of ensuring compliance with FATF and international standards.

Mr. Speaker, I would like to thank you for the opportunity of presenting this Bill, and for the patience of members listening to the explanations involved. I commend the Bill to this honourable House. Thank you.

**The Speaker:** The question is that a Bill entitled, The Proceeds of Criminal Conduct (Amendment)(Money Laundering Regulations) Bill, 2000, be given a second reading. The floor is open to debate.

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** When we met in the committee room to go through these bills we were able to finish up the Monetary Authority (Amendment) Bill, but we didn't get to these others. I thought we would have done that this morning. It seemed like most of the members thought it wasn't worth it. I just wish for all to know that I thought it was worth it. And I am only sorry I was not asked whether or not I wanted to do this. However, I will have to ask my questions now.

From what I understand, the honourable Second Official Member said that the principle function of this amending Bill is to allow for regulations to be made by the Governor in Council to prescribe measures to be taken to prevent money laundering and for incidental and connected purposes.

Section 3, reads "**before section 20 of the principal Law and after the heading 'Money Laundering and other offences' the following section is inserted [which is 19A(1), (2), (a), (b), (i) and (ii)] 'Regulations made under this section may—make different provision for different circumstances or cases and may contain incidental supplementary and transitional provisions; and (b) provide that the contravention of any provision of these regulations constitutes an offence and my prescribe penalties for any such offence. On conviction on indictment consisting of a fine or imprisonment of a term not exceeding two years or both; or on summary conviction consisting of a fine not exceeding \$6,000.'**"

What I am not so sure of in that statement is whether the fine referred to on conviction is \$6,000 or the fine is a figure to be determined by the Governor in Council.

After section 25 of the principal Law, the following section is inserted, that is section 4 of the amending Bill: "**25A (2) subsection (i) does not make it an offence for a professional legal advisor not to disclose any information or other matter which has come to him in privileged circumstances.**" I think I understand privilege with lawyer/client relations. But I would like a clear explanation as to what would be the definition of privileged circumstances.

Subsection (3) of the amending section of 25A reads, "**It is a defence to a charge of committing an offence under this section that the person charged**



**had a reasonable excuse for not disclosing the information or other matter in question.”** I want to know what is considered a reasonable excuse. And what rule of thumb will be used to say whether or not the excuse was reasonable or not. And who is going to make that decision.

Those are basically the questions I have in the amending Bill. But when we are looking at the entire picture, because I am looking at this as part of the entire package that calls for the amendment of the various laws and the making of regulations as an attempt to comply with FATF policy. I would like to ask the mover of this Bill . . . when we look at all of this amending legislation, understanding that it is something that has had to be moved very swiftly, the Honourable Second Official Member mentioned that the Code of Practice that existed should have called for the service providers to have already had the personnel in force. But this is different now because it's going to be under regulations, not just a code. If I understand the situation correctly, the agency testing if all of the service providers have the right personnel in place and have them identified would be the Monetary Authority.

If that is the case, then I think the questions that need to be answered are: 1) When will the Monetary Authority find itself in a position to check to see at will (obviously it is not staffed to do so now); and 2) is there any reason to believe that the service providers need a certain amount of time to fall in line with the new amendments and regulations? When is the government going to say to the private sector, *'Fellows, you have until tomorrow before you are liable to be prosecuted if you are not in line'*?

I think it's only fair that we answer those questions. If the thought is that the legislation is going to be approved today, and the regulations sometime next week, and after that that's it . . . I just want somebody to say that. Some members of the financial industry are saying to the government that they would like some time to examine the proposed legislation. Is it going to be as of now? Or what is considered reasonable?

I think every member in here, including the government, would have liked to peruse this more thoroughly. Government has taken the position that it is not possible to do that because of the circumstances. I don't think any of us can argue with that.

My third question on timing is, When everything is passed in legislation and the regulations are put into effect, and if certain areas are found to be causing unnecessary problems and there need to be amendments to some areas, I wonder, having approved this legislation and having gone back to the US Treasury to FinCen, and having advised the FATF what has been done, who is going to bring any proposed amendments to this? It is not an impossible situation.

I don't think government would be prepared to say it is absolutely certain that everything in this proposed series of amending legislation is going to be perfect. I think safe comment would be is, given the circumstances and

the time they have had, they have done everything physically possible to make it right. But it is not impossible that when all of this is put into practice you will find a circumstance involving something to do with the operation of our financial industry which shows a disadvantage of such a nature that you will say we need to amend the legislation.

I want to know if the government is going to guarantee us if because of fear of reprisal from these other people when they know what is right, still bring that amending legislation, or we are never going to suffer with that. I want to know. And I think it's fair to ask.

Needless to say, the questions I am asking have no bearing on what I know we have to do. I am not questioning that. I have voiced a concern over what seems to be an almost untenable situation whereby we have to be doing this at the execrated rate we find ourselves doing it. I think I have raised a valid concern—I don't know because I have not sat with these people to negotiate.

I don't know if it's a circumstance where if we approve legislation in concert with their thought process that suddenly puts our financial industry in untenable circumstances, do we have room to go back to them and say, *'Look, we passed this legislation, but we are finding it impossible to deal with, so we're going to amend it'*? Are we in a position to do that? I don't know. I want an answer. Perhaps that is why there is great concern over moving ahead with this legislation.

I don't raise that to be a fly in the ointment. I don't raise that because I want to slow the process down. I don't raise that because I am looking an argument. But I am going to tell everyone here today that I am going to qualify myself. I don't take lightly what happens in this legislature. While each and every one of us here listens to those in the middle of the whole circumstance, and might well agree with all of the principles applied, when we vote on each of these bills we are voting for every exact word in that Bill—not just its intentions. That's how it's done. We are supposed to have enough between our ears to understand what we are voting for.

I am going to tell everyone here this evening that I am not so sure that everyone in this Legislative Assembly has gone through this and knows exactly what they are voting for. They know what we are trying to achieve. And I want everyone to understand why I am saying what I am saying now, because if anything happens after this, this boy will not be responsible. I have said that it is not right—regardless of anything—for us to go through legislation, see its safe passage with not everyone understanding what is being done. The question about exactly what is being done is not about the principles being sought to be achieved. There is a difference. I know that everyone listening understands me.

However, I am but one voice. I am not going to stand up and say I am not voting for it. I know what we have to do. But I am going to qualify what I am doing here this evening. I will not be held responsible for any of this that is wrong in the future—not me! The only way I would be part and parcel of that is if I too had the time to

use other people's expertise and knowledge to make sure that I quite understood everything we were doing.

Mr. Speaker, I raise those questions just to make sure that people understand before we complete this exercise today what we should be doing.

This ain't no laughing matter! It's certainly nothing to joke about. The difference with this one is that we can't come back the next day and say something is wrong with it and fix it. It is obvious from day one, that passage of this amending legislation is not totally in our hands. If it were, it wouldn't have to come to this House. We are obviously doing this to please another entity. Therefore, making amendments to it won't be left in our hands either. Thank you.

**The Speaker:** Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause) The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** These are surely serious times for our country. On Wednesday, I had cause to rise under one of the most important Standing Orders in the legislature—a matter of urgent public business—to elicit some information from the government. We asked that a statement assuring the public that steps were being taken to comply with the request of the US Treasury Department and the Securities Exchange Commission. I also asked that all business operations within the financial sector be advised how to handle the situation in the interim.

I state outright that I have no problem with the principles in what we are trying to do because nobody wants bad business in the country. My concern is have we advised the financial industry how to manage the situation in the interim period? Have we sat down with the people who work the industry and discussed this with them? I hope that somebody in the government will answer that question.

These are our islands we are talking about, our home where we live and want to die and be buried, where the bones of our ancestors are. I have long said that we cannot fight the G-7 countries. We depend upon the US for so much—in fact, practically everything. But that does not say that there should not be due diligence and due process. One thing the Americans understand is due process. They understand the need to operate within a democratic process for they have stepped into too many countries that operated outside our democratic process. Americans understand the need for full and frank discussions for anything that affects the way business is done. And America does not rush into anything.

If you recall Mr. Speaker, when the Mutual Legal Assistance Treaty (MLAT) was passed, it took two years (1984 to 1986) for the discussions. When it was signed in 1986, the Americans didn't ratify the MLAT until 1990. Having said all that, while they understand they have issued a warning. And this is a question to government; The Securities Exchange Commission sent a warning by requesting a Memorandum of Understanding 18 months

ago. Why did government not proceed with that request? That's one question I hope somebody will answer before all these bills are passed.

The G-7 countries are trying to push a number of countries out of the competition in the international financial market. They can only succeed if these countries choose not to establish legal and regulatory framework that will prevent money laundering and so on. We must always be willing to cooperate—and we have. We must always be willing to discuss and be forthright about what we are doing. That has not taken place.

There will always be the need, when you are on top, to prove yourself. And Cayman is on top. So, that is not strange. But to prove us an international business centre that is unquestionable would be a good thing for the future. Perhaps that is where we are headed. And I have no problem with that principle. The duty of government is to be vigilant, proactive, and willing to be open to advice. But I don't want to do something today that will come back tomorrow and kick us in the fact.

As I understand it, the Bankers Association, the Law Society, the Caymanian Bar Association, the Council of Associations, accountants and others in the industry have not talked with government on this last round. They don't know exactly what these bills say or do. That is not good. Whatever happened that caused the breakdown between government and the people who normally discuss and advise them on these matters does not speak well of government.

Two further questions that I have are: Is there a guarantee that the advisory will be withdrawn once the legislation is passed? Does government have that in writing? And, when they gave the undertaking to have the legislation passed, did they request such a guarantee from the Treasury unit they dealt with?

Is there any guarantee that the FATF will take us off their list once this legislation is passed? Have they requested that?

Nobody is infallible. The only perfect person to come into this world was Jesus Christ—and they crucified him! I am not here to beat up on the government for having failed. This is a serious matter. But I say to the government that they should not be going on national television to say to the country at such a time that they should be sending this "team" . . . or re-electing this "team." At the same time they are seeking cooperation in the legislature you want unanimity, you are talking about what needs to obtain for the country, yet you go on national television and play these kinds of politics. If government thumps its chest, what do they expect from the other side? Whether that be the legislature or opposition on the outside. If this has not taught them a lesson that they are not perfect, then I don't know what will. But surely, this is no success for them to jump up and holler about.

I say that I agree with the principles. I hope that the questions I ask can be answered. I trust that once we pass this, the goalpost is not going to be shifted again by coming back in another week saying *'My friends, we*

*missed out something and we need another paragraph added, and we have to add another section to the legislation.'*

The experience so far has not been good. But I trust that will not be the case. I don't think anyone should take this matter to use as a political football on the outside. While I will have to inform my people in the best way possible, I certainly will not say the government did a good job, but I will be fair to the country because that is what the country demands. The country is bigger than any of us—bigger than any politician or any election. It is bigger than us. I have always put the country first in anything that I have had to do as a legislator.

Having said that, I hope those questions can be answered.

**The Speaker:** Does any other member wish to speak? (Pause) The floor is open to debate. Does any other member wish to speak? (Pause) Final call, does any other member wish to speak?

If not, does the honourable mover wish to exercise his right of reply? The Honourable Second Official Member.

**Hon. David Ballantyne:** I don't think I really have an option because there are some questions that in fairness ought to be answered.

I too would prefer that we did not have to move as rapidly as we do, but I believe it is necessary to do that in the interest of the Cayman Islands. I think, however, it can be done in a way that will at least communicate (or I will try) any detail that has been omitted in what I said earlier.

This is a relatively short Bill. As I said, it introduces a regulation making power which the honourable First Elected Member for George Town made reference to. What I propose to do very briefly, just so there's no doubt about this and it becomes a matter of public record, I want to just now read the first part of the new Criminal Offence so that everyone can really understand what we are talking about literally, line by line.

What it says is that a person is guilty of an offence if he knows or suspects that another person is engaged in money laundering; if the information or other matter on which that knowledge or suspicion is based came to his attention in the course of his trade, profession, business, or employment, and he does not disclose the information or other matter to the reporting authority as soon as is reasonably practicable after it comes to his attention. Now there you have it. If a person knows or suspects that another person is engaged in money laundering, the information came into his possession in the course of his business, trade or profession, and he does not disclose it as soon as is reasonably practicable to the reporting authority.

I am not suggesting that's the whole of the section, but it's the operative part. The penalties are right at the end **"A person guilty of an offence under this section shall be liable on summary conviction to a fine not**

**exceeding \$50,000 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both."** I should add no prosecution shall be instituted under this section without the consent of the Attorney General. So, that's one bit of detail that may help to throw a little more light on this.

But coming back to some of the questions that were asked, it is a defence to this new offence that the person charged had a reasonable excuse for not disclosing the information or other matter in question. It's hard for me to define what is a reasonable excuse. I know that's why the question might have been asked. Put me, a poor lawyer, on the spot!

Fortunately, I don't have to decide that question because that's a matter for the court. I can answer it in general terms. It will depend entirely on the circumstances. And you cannot describe the myriad of circumstances that might apply, but some reason unconnected with the individual that prevented the disclosure. If, for instance, it was physically impossible, if a person was struck down with illness and was unable to make the disclosure . . . but then you would probably find that he would be able to say it wasn't reasonably practicable for him to have done that. So he wouldn't have committed the offence at all.

But there will be circumstances. And I can refer you to the existing law because the Proceeds of Criminal Conduct Law already has this reasonable excuse defence in it in relation to the other offences. So, what I can tell you is that it is consistent with the other offences. I am looking in particular at sections 21, 22 and 23 the Proceeds of Criminal Conduct Law. For example, in section 22 (11) **"In proceedings against a person for an offence under this section, it is a defence to prove that (a) he intended to disclose to the Reporting Authority such a suspicion, belief or matter . . . (5) but (b) there is reasonable excuse for his failure . . ."** So it was already in the Law. The courts here and elsewhere will have or be able to interpret that.

The question was put as to what constitutes legal professional privilege. Again, that's in the Bill in subsection 8. It says **"For the purposes of this section any information or other matter comes to a professional legal advisor in privileged circumstances if it's communicated or given to him by or by a representative of a client . . ."** So, it's given to him by his client or a representative of his client **"in connection with the giving by the advisor of legal advice to his client."**

So, if you are in the process of giving legal advice information coming to you in that context, or information given, is privileged. **"By, or by a representative of a person seeking legal advice from the advisor . . ."** so, again in the legal advice context, **"or by any person in contemplation of or in connection with legal proceedings and for the purposes of those proceedings."**

This is fairly straightforward. These same definitions are already contained in the Proceeds of Criminal Conduct Law in relation to other offences. However (and I

should point this out to you at subsection (9) of this new clause), **“no information or other matter shall be treated as coming to a professional legal advisor in privileged circumstances if it’s communicated or given with a view to furthering any criminal purpose.”** Information communicated or coming to a legal advisor for the purpose of committing a criminal purpose is not privileged.

I should also point out that **“where a person discloses [and this is subsection (4) of the new section] to the reporting authority his suspicion or belief that another person is engaged in money laundering or any information or other matter on which that suspicion or belief is based, the disclosure shall not be treated as a breach of any restriction imposed by statute or otherwise.”** That simply means that it’s not a disclosure that would be a breach of the Confidential Relationships (Preservation) Law.

By my reckoning, I have covered subsections (1), (2), (3), and (4). Subsection (5) deals with the situation I described where a person who was in employment at the time in question . . . **“it’s a defence to a charge of committing an offence under this section that he disclosed the information or other matter in question to the appropriate person [you may remember that I mentioned appropriate person in the context of the regulations] in accordance with the procedure established by his employer for the making of such disclosures.”**

An employee who has possession of information, knowledge or suspicion can alleviate himself of his possession by passing that information to the appropriate person in his organisation. The disclosure of that kind (this is subsection (6)) shall not be treated as a breach of any restriction imposed by statute, i.e., not a breach of confidentiality.

The last subsection, with which I have not dealt, is subsection (7). It contains a definition of money laundering. That is, **“‘money laundering’ means doing any act which constitutes an offence under section 21, 22 or 23 of the Proceeds of Criminal Conduct Law [existing Law], or in the case of an act done otherwise than in the islands which would constitute such an offence as is referred to in paragraph (a) [namely, sections 21, 22, or 23].”**

We need to expand that at committee stage to include the Misuse of Drugs Offences because they are money laundering offences as well. So, the definition of “money laundering” will be an all-inclusive definition of drugs money laundering and other serious crime money laundering for the purposes of this legislation.

I appreciate that this is fairly tedious material. But I think it’s necessary in the circumstances to go through this in such detail since we did not have the opportunity earlier to complete the process of communicating the information. I take that opportunity now.

The regulation making power will simply be **“The Governor in Council may make regulations prescribing measures to be taken to prevent the use of the**

**financial system for the purpose of money laundering.”** I think that is reasonably straightforward.

And the regulations will be available for further scrutiny before they are made by Governor in Council under the new law, and reactions will be obtained from the private sector further to the several meetings we have already had. It is appreciated that they have not had a long time to look at these, but they have had some time. They also had, as have you, the benefit of the UK Money Laundering Regulations with which to compare them. But I have said that I will sit with them, and we will talk until we all understand what we are talking about and what it means to implement this. And we will take a view—and I take this position on behalf of government—as to when it will be right and appropriate to introduce these regulations at a point where it is sufficiently clear that they are right and it’s sufficiently clear that the regulations are in the form they should be introduced.

I am going to add a qualification to that, but that should be at the earliest possible point after this law comes into effect. And I am talking about days, not weeks. But I am prepared to spend the time and I am prepared to sit down and talk it through. I have found that in talking with Members of the Legislative Assembly it’s a much more effective way of communicating the ideas of a bill rather than letting the words on the page speak for themselves.

In my own estimation, I don’t believe that the contents of the Code of Practice, which I have here, and which lays out procedures for record-keeping, for recognition and reporting of suspicious transactions, and for customer identification and verification, are really substantially different from the procedures expected to be accorded legal force in these regulations. I am not saying they are the same, but the differences are in the detail. I think the regulations are relatively self-explanatory.

But I do make the commitment, and I have already made arrangements as those who were present at yesterday’s meeting with the Private Sector Consultative Committee know, for a further meeting on Tuesday afternoon when these matters will be discussed in depth. In the interval, I trust that people will look at the regulations and work out how they think they will affect them, and that will be taken into account when we meet.

I would add on the wider picture, I haven’t answered one or two details that I think I would like to. The question of the level of fines . . . is that a matter for the regulations? Or is that a matter for the law? Well, all the law empowers is the making of regulations that carry certain maximum penalties. So, it’s up to the regulations themselves to specify what those penalties will be but they cannot exceed the amounts set out in the Bill before you. Those amounts are, in respect of contravention it says, **“Provided that the regulations may provide [so there is a discretion] that the contravention of any provision of those regulations constitutes an offence and may prescribe penalties for any such offence on conviction on indictment consisting of a fine or imprisonment for a term not exceeding two**

**years or both; or on summary conviction consisting of a fine not exceeding \$6,000.”**

In fact, the regulations contain criminal sanctions of exactly those proportions. That is what is proposed in the draft regulations. So, I trust that is clear, they don't have to be at that level and different offences could be provided for in different regulations at different levels.

There was a question about the Monetary Authority monitoring compliance. One of the committee stage amendments to the Monetary Authority Law will be that the Monetary Authority will be tasked with the duty of monitoring compliance with these money laundering regulations, which I think is a sensible approach. I would also think it sensible that it would be allowed time for implementation, which is another very good reason for passing legislation as soon as possible.

When we met with the US, it wasn't a case of just passing the laws they were interested in. Anyone can (if you don't mind me saying so) pass laws. But implementing them is another matter. I think we have to give thought to that and work out how that's to be done in a suitable and appropriate way so that the laws are given effect in reality and brought into force in a proper and early way.

We aim to make these laws work. It will be the law and the practice. I mentioned (or if I didn't I would like to) that there are guidance notes available to complement the UK Money Laundering Regulations. I think we may be able to draw from them very effectively to supplement or revise the existing Code of Practice.

Mr. Speaker, I don't wish to prolong this, but there were a number of questions asked. It was suggested that the private sector does not understand this legislation. That's not my impression of the conversations we've had with them. Some would prefer more time, undoubtedly. And I have indicated that in an ideal world that would be all of our preference. However, I don't think that there is a large level of misunderstanding about what this law is all about, or indeed the Monetary Authority Law for that matter.

I think we are all perfectly clear about why the FATF has made these findings and what it is we are seeking to do to put them right. It is simply the fact that there is external pressure in order to put these matters in order. But as I said earlier, I wouldn't have any difficulty—even if there were not that external pressure—in recommending these measures. It's just that we would probably take a little longer to discuss them than in the circumstance of having an advisory and being on a list.

I think from what I have understood that people well understand and perhaps have some concern about the effect of implementing some of these measures on their existing business and how that is liable to be affected. These are quite legitimate concerns. But it's my firm belief that this will all lead to an increased bill of health for the financial services industry, and for the anti-money laundering system in the Cayman Islands. Therefore, I have no difficulty in that regard in saying that these measures should be implemented.

I would hope that those in the private sector understand (and I think they do) that these are calculated not just to fend off FATF initiatives, but to meet appropriate international standards, which never remain static. I don't think it's realistic, frankly, to expect that people will never come back and say the standard has moved on. Standards do move on. I believe it's always necessary to be re-examining systems to make sure they are up to scratch.

I will give you one example. Until the middle of the 1990s only drugs money laundering required to be criminalised. We came to the middle of the 1990s and all serious crime money laundering required to be criminalised. That was a new international standard. So, this is not a static issue. In the age of Internet banking, you can be fairly sure that you are going to see some new international standards.

I will try to wind up. The question was asked if there are any problems. Well, I expect there will be wrinkles. If there are any problems, I will take my share of responsibility for having pursued the enactment of these measures and I hope that members of the House will feel in the light of the information that they have that they can support these measures. If there are problems, you have the unique advantage in this jurisdiction of having a Legislative Assembly that can meet very quickly in order to deal with matters. Other jurisdictions, where they have a legislative calendar where they have to pitch a year ahead, have much bigger problems.

I am not an advocate of enacting law in haste and repenting at leisure. I don't believe in that at all. It's only because of the extenuating circumstances here that we are having to move as quickly as we are.

I would also like to address the issue of a guarantee from the FATF. We are in no position to extract a guarantee from anyone, because they have undertaken a review which was not an inclusive process. A guarantee would not be appropriate. However, we have sought some kind of assurance, if I can put it that way, from the United Kingdom that if these steps are taken they would support our position that we do meet the relevant standards.

As I stand here, I do not know if this will be an absolute answer to all of the standards. Because on the back of this initiative comes the KPMG review, which will raise other and perhaps wider issues. There may be other questions we have to look at in due course. And I am not too concerned about that because I know that as a result of our analyses the questions raised by the KPMG review are at least half answered by some of the issues we are addressing now. So, the solution to one initiative can be the solution to some of the questions in another.

What I can say is that from the contact we have had with Treasury officials of Her Majesty's Government in the UK, they are of the view that the measures presently being adopted should substantially address the concerns of the FATF and bring us in line with the international standards in the areas we are addressing.

We know too that of the five major concerns, which were mentioned by the President of the FATF, that the measures proposed today go almost entirely to satisfy those concerns. I don't wish to do the arithmetic because I don't think it is a question of arithmetic. But the consolation for anyone concerned about anyone coming back is that we are not measuring ourselves against the desires of the United States or any other metropolitan country. We are measuring ourselves against international standards which are written down in the 40 FATF recommendations.

I have some confidence that if we can show that we meet those standards we can put the ball into the court of the FATF and say to them '*We think we meet your standards, tell us what you think.*' And if there are any areas of deficiency, we will look at those further. We hope that the answer would be that there are no areas of deficiency. But if there were, we would look at that again. What we will know is that the matters we have dealt with now will not be deficient because they are calculated to address the criteria which they say we meet at the moment to be described as non-cooperative.

I think you will have the flavour by now that the bills before you are designed to tighten up the anti-money laundering system and to improve access by the Monetary Authority and its ability to cooperate internationally. This will all take time to work through. But I am quite sure that it's to the good of the Cayman Islands. I believe that with your support we can move things forward in an appropriate way, a way in which it will be recognised that the Cayman Islands achieved the requisite international standards and continues to show a lead in this field.

I am quite sure that other countries will be watching what is happening here, and will take note of what is being done. If in the area of suspicious transaction reporting we are going a little further than even some of the major metropolitan countries, I think that's a good thing. I think that sends exactly the right signal, and that's exactly the course upon which you should embark.

I say this as an advisor. I am the Second Official Member, someone who has not been here for a great deal of time, but I think long enough to understand what the Cayman Islands is about. I support it. I will work with you. I want to make sure that the financial services industry thrives in a healthy climate that we eradicate bad business where we should and that the country will prosper and move on.

This is simply my contribution. I don't know if the FATF in October will remove us from the list. It may depend on the results of a further evaluation. We will have to make sure that is undertaken at the appropriate time. I am persuaded that the measures we are taking should take us from the list, otherwise we would not be putting them forward. I am saying that I can't guarantee that. But insofar as our team has analysed the problems that have been put to us, and devise solutions designed to address them, that is our expectation. And that is our firm hope.

Mr. Speaker, I think that is all I wanted to say. I thank you for your forbearance, and that of Members of the House. With that, I thank you for the opportunity to speak on this Bill.

**The Speaker:** The question is that a Bill entitled, Proceeds of Criminal (Amendment) (Money Laundering Regulations) Bill, 2000, be given a second reading. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) (MONEY LAUNDERING REGULATIONS) BILL, 2000, GIVEN A SECOND READING.**

**The Speaker:** Honourable Members, we are a few moments away from the hour of interruption. Standing Order 10(2) reads as follows "**(2) At 4.30 p.m. the proceedings on any business under consideration shall be interrupted, any motion which has been moved for the adjournment of the House shall lapse, and, if the House is in Committee, the Presiding Officer shall return to the chair of the House, save that if the Presiding Officer is of opinion that the proceedings on which the House or the Committee is engaged could be concluded by a short deferment of the moment of interruption, he may in his discretion defer interrupting the business.**"

I prefer under Standing Order 86 to move the suspension of Standing Order 10(2) in order to avoid the interruption when we go into committee, if an honourable member would move that motion.

#### **SUSPENSION OF STANDING ORDER 10(2)**

**Hon. Thomas C. Jefferson:** Mr. Speaker, I am pleased to move the relevant Standing Order to allow the business to continue.

**The Speaker:** The question before the House is the suspension of Standing Order 10(2) to enable the House to go into committee and complete deliberations. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 10(2) SUSPENDED TO ALLOW THE HOUSE TO CONTINUE BEYOND 4.30 PM.**

**The Speaker:** The House will now go into committee to consider a Bill entitled The Monetary Authority (Amendment) (International Co-operation) Bill, 2000, and three other Bills.

## HOUSE IN COMMITTEE AT 4.21 PM

## COMMITTEE ON BILLS

**The Chairman:** Please be seated.

The House is now in Committee. With the leave of the House may I assume that as usual we should authorise the Second Official Member to correct minor printing errors and such like in this Bill?

Would the Clerk state each Bill and read its clauses?

**THE MONETARY AUTHORITY (AMENDMENT) (INTERNATIONAL CO-OPERATION) BILL, 2000**

**The Deputy Clerk:** The Monetary Authority (Amendment) (International Co-operation) Bill, 2000.

Clause 1. Short title.

Clause 2. Interpretation.

Clause 3. Amendment of section 2—Definitions.

**The Chairman:** The question is that Clauses 1 through 3 do stand part of the Bill. If there is no debate, I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 THROUGH 3 PASSED.**

**The Deputy Clerk:** Clause 4. Amendment of section 4—Principal functions of authority.

**The Chairman:** There is an amendment. The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** In accordance with the provisions of Standing Order 52 (1) & (2), I would like to move the following amendment to The Monetary Authority (Amendment) (International Co-operation) Bill, 2000 that clause 4 be amended “**by deleting ‘as the Authority may specify’ and substituting the phrase ‘as may be specified in regulations’; and by deleting ‘as may be specified by the Authority’ and substituting ‘as may be specified in regulations.’**”

**The Chairman:** I grant leave, as the two-day notice was not given for this amendment. The amendment to clause 4 is open for debate.

Mrs. Moyle.

**Mrs. Edna M. Moyle:** Are we making two changes in this clause 4? “**as may be specified in regulations’** in two places? Because I have two amendments that read the same.

**Hon. George A. McCarthy:** Yes, Mr. Chairman, there are two changes being made. On page 6 of the Bill, the second line of item (b) which starts off “**Any additional regulatory functions in relation to companies or financial services as the Authority may specify.**” That is the first of the amendments. The second one deals with the end of that paragraph, the concluding sentence, the phrase that ends, “**as may be specified by the Authority.**”

**The Chairman:** Mrs. Moyle.

**Mrs. Edna M. Moyle:** I am to understand that one of these changes happens to be in the definition of “overseas regulatory authority,” and one happens to be the definition of “regulatory functions”?

**Hon. George A. McCarthy:** Yes, Mr. Chairman.

**The Chairman:** Is there any further debate? If not, I shall put the question that the amendment to clause 4 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENT TO CLAUSE 4 PASSED.**

**The Chairman:** The question is that Clause 4, as amended, do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 4, AS AMENDED, PASSED.**

**The Deputy Clerk:** Clause 5. Amendment of section 4—Principal functions of authority.

**The Chairman:** There is an amendment. The Honourable Third Official Member responsible for Finance and Economic Development

**Hon. George A. McCarthy:** In accordance with the provisions of Standing Order 52 (1) & (2), I would like to move the following amendment to The Monetary Authority (Amendment) (International Co-operation) Bill, 2000 that Clause 5 be amended: “**by deleting paragraph (b) and substituting the following paragraph, ‘(b) (i) by inserting, after paragraph (d) the following paragraph, “(da) to provide assistance to overseas regulatory authorities”; and (ii) by repealing paragraph (e) and substituting the following paragraph, ‘(e) to perform such ancillary functions as may be appro-**

*prate in performing the functions set out in paragraphs (a),(b),(c) and (da).”*

**The Chairman:** The question is that Clause 5 be amended. The question is open for debate.

Mr. Bush.

**Mr. W. McKeeva Bush:** I have a question. This section of the law gives the principal functions of the Authority . . . and perhaps this is a good place to ask the question, When does government intend to make the Monetary Authority completely independent?

**The Chairman:** Mr. McCarthy?

**Hon. George A. McCarthy:** I think I mentioned either during the discussions that took place during the committee meeting, or in the committee room, that at this point in time there is a review being carried out by Executive Council. A report has been prepared by a study group of the board of the Monetary Authority. This sets out the basis for operational independence. This is presently before Executive Council for consideration. There will be a presentation Tuesday, a week from now, by that group. Following that, Executive Council will be asked to review the recommendations as made.

It should be noted that there is a need to establish the accountability structure of the Monetary Authority in order for operational independence to be achieved.

**The Chairman:** Mr. Bush.

**Mr. W. McKeeva Bush:** I would like to further ask Mr. McCarthy, whether an amendment to the law will have to be made. What does he foresee as the process?

**The Chairman:** Mr. McCarthy?

**Hon. George A. McCarthy:** It is quite likely it will result in amendments having to be made to the law. But this will flow from the recommendations from the report itself following the review.

**The Chairman:** Mr. Bush.

**Mr. W. McKeeva Bush:** When will those recommendations come, and when do you foresee an amendment?

**The Chairman:** Mr. McCarthy?

**Hon. George A. McCarthy:** It is quite likely that those amendments will be coming, the amending Bill, during the September meeting of this House.

**The Chairman:** Mr. Roy Bodden.

**Mr. Roy Bodden:** Can the honourable member tell the committee why it took the government this length of time to set the Monetary Authority on its course as a fully

autonomous body? Members on this side of the Legislative Assembly raised the question—certainly I raised it—and it was also raised by Dr. McField some time ago suggesting that the Monetary Authority should have been fully autonomous.

**The Chairman:** Mr. McCarthy.

**Hon. George A. McCarthy:** From the very inception of the Monetary Authority it was intended that it should be established as an independent agency. But Mr. Bodden will recognise that the transition period from the merging of separate departments which started in 1994, rolling those up into the Financial Services Supervision Department followed immediately by putting the Monetary Authority . . . it was necessary to ensure that the operational structure and accountability was in place when the Monetary Authority became independent. When the Monetary Authority was established in 1997 the government made a commitment—and still intends to follow through on that commitment—that the Monetary Authority should be an independent body. But it will require having in place all of the necessary checks and controls in order to achieve this.

We now have on hand a report that makes recommendations to this effect. Ideally, it would have been preferred for this to be done for some time now, but it must be appreciated that everything takes time. We are getting there, and hopefully this will be achieved in September of this year—at least the legislation will be brought. The accountability structure must be in place to ensure, given the significance of the Monetary Authority in regulating our financial industry and particularly at this time it is very crucial that that mechanism be established whereby that accountability structure is put in place to ensure there is regular dialogue between the Monetary Authority and Executive Council.

**The Chairman:** Is there any further debate? If not, the question is that the amendment to clause 5 stand. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENTS TO CLAUSE 5 PASSED.**

**The Chairman:** The question is that Clause 5, as amended, do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 5, AS AMENDED, PASSED.**



**The Deputy Clerk:** Clause 6. Amendment of section 30—Relations with banks and other financial institutions.

**The Chairman:** There is an amendment. The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** In accordance with the provisions of Standing Order 52 (1) & (2), I would like to move the following amendment to The Monetary Authority (Amendment) (International Co-operation) Bill, 2000 that Clause 6 be amended “**by inserting the following paragraph before paragraph (a): ‘(aa) by inserting after subsection (1) the following subsection, (1a) The Authority shall monitor compliance with regulations made under section 19A of the Proceeds of Criminal Conduct Law (1999 Revision)’; and by inserting the following paragraph after paragraph (c): ‘(d) by inserting after subsection (7) the following subsection (8) Where a person complies with a requirement under subsection (2), a direction under subsection (3) or an order under subsection (4), or who gives evidence under subsection (5), such compliance shall not be treated as a breach of any restriction upon disclosure of information by or under any Law and shall not give rise to any civil liability.’**”

**The Chairman:** The question is that clause 6 be amended.

Mr. Roy Bodden?

**Mr. Roy Bodden:** I just have a concern. It seems to me that this is changing radically the function of the Monetary Authority from how we knew it in the past. I suppose it is becoming more in line now with what it should really be. But I would like the honourable member to give the committee the assurance that the Monetary Authority will be a fully regulatory body, rather than a police investigative unit. It seems that the role is being transformed.

I would like some assurance as to the fact that the Monetary Authority will still be a regulatory body.

**The Chairman:** Mr. McCarthy?

**Hon. George A. McCarthy:** The thrust of the amendments being made is to give the Monetary Authority access to clients’ accounts. The reason is that in order to ensure compliance with the Proceeds of Criminal Conduct Law, and under the regulations and to ensure that banks are carrying out due diligence procedures it will be necessary for tests to be performed by the Monetary Authority as part of its regulatory review.

The Monetary Authority will be required to ensure that financial institutions are complying with the provisions of the Proceeds of Criminal Conduct Law and the accompanying regulations and the guidance notes that will be issued.

It is not a question that the Monetary Authority is becoming a policing agency as such, only that its regulatory activities will be heightened for it to function as an effective regulatory agency within the Cayman Islands.

**The Chairman:** If there is no further debate, I shall put the question that the amendment stands part of Clause 6. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENT TO CLAUSE 6 PASSED.**

**The Chairman:** The question is that Clause 6, as amended, do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 6, AS AMENDED, PASSED.**

**The Deputy Clerk:** Clause 7. Insertion of new section—Assistance in obtaining information.

**The Chairman:** There is an amendment to clause 7. The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** In accordance with the provisions of Standing Order 52 (1) & (2), I would like to move the following amendment to The Monetary Authority (Amendment) (International Co-operation) Bill, 2000 that Clause 7 be amended “**by deleting paragraphs (a) and (b) in the proposed new section 30A(1), and substituting the following paragraphs: ‘(a) authorise a competent person to exercise any of its powers under this Law; and (b) seek the assistance of the Commissioner of Police in the exercise of those powers.’**”

**The Chairman:** The question is that Clause 7 be amended. If there is no debate, I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENT TO CLAUSE 7 PASSED.**

**The Chairman:** The question is that Clause 7, as amended, do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 7, AS AMENDED, PASSED.**

**The Deputy Clerk:** Clause 8. Amendment of section 42—Confidentiality.

**The Chairman:** There is an amendment to clause 8. Will you point out where that appears in the Bill?

**Hon. George A. McCarthy:** I am going to ask the honourable Attorney General to assist me.

**Hon. David Ballantyne:** Mr. Chairman, the amendment occurs near the beginning of clause 8. Clause 8 reads, “**Section 42 is amended (a) in subsection (2) by inserting the following paragraph after paragraph (f)—(fa)**” and the amendment comes immediately after “(fa)” where the words “*lawfully made*” require to be inserted before the words “to a person.” So that it will read “**(fa) lawfully made to a person with a view to the institution of or for the purpose of . . .**” etc.

It’s simply to make sure that any disclosures made under the law and permitted are lawfully made under the law and through the proper channels.

**The Chairman:** The Honourable Third Official Member responsible for Finance and Economic Development, would you move the amendment please?

**Hon. George A. McCarthy:** In accordance with the provisions of Standing Order 52 (1) & (2), I would like to move the following amendment to The Monetary Authority (Amendment) (International Co-operation) Bill, 2000 that Clause 8 be amended “**by inserting, after (fa), the words ‘lawfully made.’**”

**The Chairman:** The question is that the amendment do stand part of clause 8. If there is no debate, I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENT TO CLAUSE 8 PASSED.**

**The Chairman:** The question is that Clause 8, as amended, do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 8, AS AMENDED, PASSED.**

**The Deputy Clerk:** A Bill for a Law to Amend the Monetary Authority Law (1998 Revision) to make provision for assisting financial services supervisory authorities outside the islands to obtain information from within the islands and for incidental and connected purposes.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

**The Chairman:** Will you read the next Bill please?

**THE BANKS AND TRUST COMPANIES (AMENDMENT) (ACCESS TO INFORMATION) BILL, 2000**

**The Deputy Clerk:** The Banks and Trust Companies (Amendment) (Access to Information) Bill, 2000.

Clause 1. Short title.

Clause 2. Amendment of section 12—Powers and duty of authority.

**The Chairman:** The question is that clauses 1 and 2 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 AND 2 PASSED.**

**The Deputy Clerk:** A Bill for a Law to Amend the Banks and Trust Companies Law (2000 Revision) to remove restrictions on the obtaining of information by the Cayman Islands Monetary Authority.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

**The Chairman:** Next Bill.

**THE COMPANIES MANAGEMENT (AMENDMENT) (ACCESS TO INFORMATION) BILL, 2000**

**The Deputy Clerk:** The Companies (Amendment) (Access to Information) Bill, 2000.

Clause 1. Short title.

Clause 2. Amendment of section 14—Powers and duties of the Authority.

**The Chairman:** The question is that clauses 1 and 2 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 AND 2 PASSED.**

**The Deputy Clerk:** A Bill for a Law to Amend the Companies (Management) Law (1999) to remove restrictions on the obtaining of information by the Cayman Islands Monetary Authority.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

**The Chairman:** Next Bill.

**THE PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) (MONEY LAUNDERING REGULATIONS) BILL, 2000**

**The Deputy Clerk:** The Proceeds of Criminal Conduct (Amendment) (Money Laundering Regulations) Bill, 2000

**The Deputy Clerk:** The Banks and Trust Companies (Amendment) (Access to Information) Bill, 2000.

Clause 1. Short title.

Clause 2. Interpretation.

Clause 3. Insertion of new clause—Regulations.

Clause 4. Insertion of new clause—Failure to disclose knowledge of suspicion of money laundering.

**The Chairman:** The question is that clauses 1 through 4 do stand part of the Bill.

**Hon. David Ballantyne:** Mr. Chairman.

**The Chairman:** The Honourable Second Official Member.

**Hon. David Ballantyne:** I have to move a committee stage amendment. In accordance with the provisions of Standing Order 52 (1) & (2), I would like to move the following amendment to The Proceeds of Criminal Conduct

(Amendment) (Money Laundering Regulations) Bill, 2000 that Clause 4 be amended

**The Chairman:** Could I just go back then and take clauses 1 through 3?

**Hon. David Ballantyne:** Yes.

**The Chairman:** The question is that clauses 1 through 3 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 THROUGH 3 PASSED.**

**The Deputy Clerk:** Clause 4. Insertion of new clause—Failure to disclose knowledge of suspicion of money laundering.

**The Chairman:** Honourable Second Official Member.

**Hon. David Ballantyne:** I have to move a committee stage amendment. In accordance with the provisions of Standing Order 52 (1) & (2), I would like to move the following amendment to The Proceeds of Criminal Conduct (Amendment) (Money Laundering Regulations) Bill, 2000 that Clause 4 be amended at subsection (7) “**(a) by inserting after the words ‘In this section’ the words ‘and in section 19A’; (b) and by inserting after section 21, 22 or 23 the words ‘or section 47 or 48 of the Misuse of Drugs Law (2000 Revision).’**”

**The Chairman:** Will you supply us with copies of that amendment? Members do not have it.

**Hon. David Ballantyne:** Oh, that’s unfortunate, Mr. Chairman. Perhaps while that’s being done, I can explain what the necessity is unless members would prefer to wait until they have it in front of them.

**The Chairman:** I think you can go ahead.

**Hon. David Ballantyne:** Thank you very much.

*[Inaudible comments]*

**Hon. David Ballantyne:** Well, that’s why I suggested that maybe you would—

*[Interjections]*

**Hon. David Ballantyne:** Well, let me give a general description first until we get the details in front of us, and I will tell you why the amendment is necessary.

Money laundering as defined in the present Law refers to everything except drugs money laundering. The

purpose of the amendment is to make the reference to money laundering cover both drugs money laundering and non-drug money laundering. It's a consequential amendment—but necessary in order to get complete coverage so that in the regulations where they talk about money laundering, it's not just money laundering under the Proceeds of Criminal Conduct Law, but also any money laundering under the Misuse of Drugs Law.

So, you as a practitioner or financial service provider won't have to worry whether or not it's drug money laundering or any other kind of money laundering. But in the Law we have to make sure it covers the offences under both Laws.

I believe the amendment is now being circulated so that you will see exactly what it is proposed to say. Sometimes the small amendments are the most awkward because they are difficult to pin down, but we will try to do that once the document has got to you.

**The Chairman:** I waived the two-day notice on this amendment.

**Hon. David Ballantyne:** I am obliged Mr. Chairman.

I think the detail of the amendment has now been received. If members will have to have the bill, and in particular Clause 4, you will see that Clause 4 deals with the new section 25A and it's section 25A, subsection (7) on page 7 of the bill. The words in question to be inserted are . . . where you see subsection (7) about halfway down the page where it says, "In this section money laundering means" the words in this section and in section 19A are to be added so that for the purposes of regulations made in respect of money laundering the same regulations will apply to drugs money laundering as they do to money laundering under the PCCL.

That's the first minor amendment.

The second is, you will see little paragraph (a) which says, "**which constitutes an offence under section 21, 22 or 23.**" After "23" should come a comma and the words "**or section 47 or 48 of the Misuse of Drugs Law (2000 Revision).**"

The effect of that is to include in the definition of money laundering the existing drugs money laundering offences so that we have in the definition of money laundering complete coverage of all the money laundering offences. So any conduct which constitutes an offence under the PCCL or under those sections of the Misuse of Drugs Law will be comprehended by the expression "money laundering." And for the purposes of the regulations, that definition will apply for the purposes of section 19A.

So where in section 19A you read "**The Governor in Council may make regulations prescribing measures to be taken to prevent the use of the financial system for the purposes of money laundering . . .**" money laundering will mean that as defined in section 21, 22 or 23 of the PCCL, or in sections 47, or 48 of the Misuse of Drugs Law. Those are all the money laundering provisions in the laws of the Cayman Islands.

Before I close, might I just take this opportunity to publicly thank the First Legislative Counsel, Mr. Clive Grenyer, for all the work that he has done over his time here, but in particular over the last few weeks which have been extremely pressurised—acting on instructions from a point when we were overseas. I would like to commend him highly for the work that he has done and to say that I very much appreciate it. I am sure that Members of this House and the Government also share that appreciation.

**The Chairman:** Does any member wish to speak to the amendment? If not, the question is that the amendment do stand part of the Clause 4. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENT TO CLAUSE 4 PASSED.**

**The Chairman:** The question is that Clause 4 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 4, AS AMENDED, PASSED.**

**The Deputy Clerk:** A Bill for a Law to Amend the Proceeds of Criminal Conduct Law (1999 Revision) to enable the Governor in Council to prescribe measures to be taken to prevent money laundering and for incidental and connected purposes.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**TITLE PASSED.**

**The Chairman:** That concludes proceedings in Committee. The question is that the Bills be reported to the House. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: BILLS TO BE REPORTED TO THE HOUSE.**

**HOUSE RESUMED AT 4.58 PM**

**The Speaker:** Please be seated. Reports on Bills.

The Honourable Minister responsible for Agriculture, Communications, Environment, and Natural Resources.

**REPORTS ON BILLS****THE MONETARY AUTHORITY (AMENDMENT) (INTERNATIONAL CO-OPERATION) BILL, 2000**

**Hon. George A. McCarthy:** I am to report that a Bill entitled, The Monetary Authority (Amendment) (International Co-operation) Bill, 2000, was considered by a committee of the whole House and passed with amendments.

**The Speaker:** The Bill is accordingly set down for third reading.

**THE BANKS AND TRUST COMPANIES (AMENDMENT) (ACCESS TO INFORMATION) BILL, 2000**

**Hon. George A. McCarthy:** I am to report that a Bill entitled, The Banks and Trust Companies (Amendment) (Access to Information) Bill, 2000, was considered by a committee of the whole House and passed without amendment.

**The Speaker:** The Bill is accordingly set down for third reading.

**COMPANIES MANAGEMENT (AMENDMENT) (ACCESS TO INFORMATION) BILL, 2000**

**Hon. George A. McCarthy:** I am to report that a Bill entitled, The Companies Management (Amendment) (Access to Information) Bill, 2000, was considered by a committee of the whole House and passed without amendment.

**The Speaker:** The Bill is accordingly set down for third reading.

**PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) (MONEY LAUNDERING REGULATIONS) BILL, 2000**

**Hon. David Ballantyne:** I beg to report that a Bill entitled, Proceeds of Criminal Conduct (Amendment) (Money Laundering Regulations) Bill, 2000, was considered by a committee of the whole House and passed with amendments.

**The Speaker:** The Bill is accordingly set down for third reading.

Third Readings.

**THIRD READINGS****THE MONETARY AUTHORITY (AMENDMENT) (INTERNATIONAL CO-OPERATION) BILL, 2000**

**The Deputy Clerk:** The Monetary Authority (Amendment) (International Co-operation) Bill, 2000.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** I beg to move the third reading of a Bill entitled The Monetary Authority (Amendment) (International Co-operation) Bill, 2000.

**The Speaker:** Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE MONETARY AUTHORITY (AMENDMENT) (INTERNATIONAL CO-OPERATION) BILL 2000 GIVEN A THIRD READING AND PASSED.**

**THE BANKS AND TRUST COMPANIES (AMENDMENT) (ACCESS TO INFORMATION) BILL, 2000**

**The Deputy Clerk:** The Banks and Trust Companies (Amendment) (Access to Information) Bill, 2000

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** I beg to move the third reading of a Bill entitled The Banks and Trust Companies (Amendment) (Access to Information) Bill, 2000.

**The Speaker:** Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE BANKS AND TRUST COMPANIES (AMENDMENT) (ACCESS TO INFORMATION) BILL 2000 GIVEN A THIRD READING AND PASSED.**

**COMPANIES MANAGEMENT (AMENDMENT) (ACCESS TO INFORMATION) BILL, 2000**

**The Deputy Clerk:** The Companies Management (Amendment) (Access to Information) Bill, 2000.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** I beg to move the third reading of a Bill entitled The Companies Management (Amendment) (Access to Information) Bill, 2000.

**The Speaker:** Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE COMPANIES MANAGEMENT (AMENDMENT) (ACCESS TO INFORMATION) BILL, 2000 GIVEN A THIRD READING AND PASSED.**

**PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) (MONEY LAUNDERING REGULATIONS) BILL, 2000**

**The Deputy Clerk:** Proceeds of Criminal Conduct (Amendment) (Money Laundering Regulations) Bill, 2000.

**The Speaker:** The Honourable Second Official Member.

**Hon. David Ballantyne:** I beg to move the third reading of a Bill entitled Proceeds of Criminal Conduct (Amendment) (Money Laundering Regulations) Bill, 2000.

**The Speaker:** Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) (MONEY LAUNDERING REGULATIONS) GIVEN A THIRD READING AND PASSED.**

**The Speaker:** Bills, Second Reading.

## SECOND READING

### THE ELECTRONIC TRANSACTION BILL, 2000

**The Deputy Clerk:** The Electronic Transaction Bill, 2000.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, I would beg to decline, sir. I wonder, given the amount of time we have spent in here on a Friday afternoon, if we couldn't adjourn at this point.

**The Speaker:** If it is the wish of the House, please move the adjournment.

## ADJOURNMENT

**Hon. Thomas C. Jefferson:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM Monday.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM Monday. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 5.04 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 17 JULY 2000.**

**EDITED  
MONDAY  
17 JULY 2000  
10.20 AM**

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

*[Prayers read by the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources]*

**The Deputy Speaker:** Please be seated. Proceedings are resumed. Item 2 on the Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Deputy Speaker:** I have received apologies from the Honourable Speaker. His absence is due to the delay of Cayman Airways. He hopes to be here later on this morning.

The Honourable Minister of Tourism and the Third Elected Member for George Town are both off the island.

Item number 3, Presentation of Papers and Reports, Cayman Turtle Farm (1983) Limited Financial Statements 31 March 1999, to be laid on the Table by the Honourable Minister of Agriculture, Communications, Environment and Natural Resources.

**PRESENTATION OF  
PAPERS AND REPORTS**

**CAYMAN TURTLE FARM (1983) LIMITED FINANCIAL  
STATEMENTS 31 MARCH 1999**

**Hon. John B. McLean:** I am pleased to lay on the Table of this honourable House the financial statements of the Cayman Islands Turtle Farm (1983) Limited, dated 31<sup>st</sup> March 1999.

**The Deputy Speaker:** So ordered. Does the Honourable Minister wish to speak to the report?

Moving on to item 4, Questions to Honourable Members/Ministers. Question 40 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 40**

**No. 40: Mr. Roy Bodden** asked the Honourable Acting Temporary First Official Member responsible for Internal and External Affairs to state the policy of the police in

cases where complaints of harassment, intimidation and threats are reported by family members against other members of the family.

**Hon. Donovan Ebanks:** Complaints involving harassment, intimidation and threats against family members are complex in nature and are often the outcome of disputes which have evolved over several years of family life. In such situations, police are expected to act as peacemakers, to uphold the law, and, in essence, settle these matters in an atmosphere of volatility where there are charges and counter-charges.

The suspect often lives in the family home and is supported by the matriarch or patriarch who has the deciding voice in how such incidents are resolved.

When such complaints are made, the police record the report and respond according to perceived threats of violence or danger to family members. If there is an immediate threat, officers respond with great urgency. Arrests may be made in circumstances where an offence has been committed, i.e., assault, damage to property, et cetera.

In the event there is no immediate danger of violence, the officer responding to the scene and any action he takes are generally guided by the circumstances found. He may take the following actions: issue a warning; remove the offending party from the premises; offer advice as to counselling.

**SUPPLEMENTARIES**

**The Deputy Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Member tell the House whether the police have at their disposal any personnel trained in conflict resolution? And at what point do these complaints become a matter to be seriously investigated as a deterrent to the provision of a possible crime?

**The Deputy Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** Madam Speaker, while the police do have personnel who have training in the area of conflict resolution there is no conflict resolution unit as such within our RCIP. Those skills are available at various locations but not in a predetermined format, and as such the officers attending a particular incident may or may not necessarily have had that type of training. The transition from seeking to resolve to the primary function

of the police, which is to detect and deal with the commission of crimes, obviously depends on what the officers find at the scene they are attending.

**The Deputy Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I wish to ascertain whether in those cases where the police offer advice as to the seeking of counselling if the police do any follow-up work and liaise with either the counselling centre or the family to encourage them to take advantage of such counselling.

**The Deputy Speaker:** Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** Madam Speaker, my understanding is that generally in the current circumstances such follow-ups are not routinely made. The police recognise the value of such follow-ups and indeed their community policing initiative, which is being introduced, contains that element of that initiative to ensure that there are follow-ups when such advice is given.

**The Deputy Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** How commonplace is having the police intervene in family disputes of this nature?

**Hon. Donovan Ebanks:** Madam Speaker, such incidences are a substantial part, perhaps as much as one-third of the incidents that the police respond to.

**The Deputy Speaker:** If there are no further supplementaries we will move on to Question 41 standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 41

**No. 41: Mr. Roy Bodden** asked the Honourable Acting Temporary First Official Member responsible for the Portfolio of Internal and External Affairs what is the response procedure of the police upon receipt of serious threats or intimidation arising out of disputes.

**The Deputy Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** All reports of serious threats or intimidation arising from disputes are treated seriously by the police. The response will be dependent upon the nature of the incident and the resources available to respond adequately.

On receipt of such reports, the response procedures are as follows:

- Complaints are taken and recorded in the incident logging system (ILS);
- The shift commander or most senior officer is informed;

- The officer in charge determines the seriousness of the threat or intimidation and decides on the appropriate action.

If the threat is considered to be serious and (i) weapons are involved, i.e., guns, knives, et cetera; (ii) the safety and well-being of a member of the public is at risk, an immediate response is made with the assistance of the uniform support group or other officers as appropriate. The responding officers would make an arrest or take any other action as required.

In instances where the parties have separated, but the complainant has sustained injuries and there is no perceived immediate threat to the public or the complainant, the officer in charge may offer to take, or instruct the individual to go to the hospital for medical treatment after which he will take a written statement from the complainant. The officer would then respond to the scene as soon as is reasonably possible.

#### SUPPLEMENTARIES

**The Deputy Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Madam Speaker. Can the Honourable Member tell the House what the basis for determining the seriousness of a threat or intimidation is?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** Among the factors which would be considered would be the history of activity of the individual(s) involved whether they are known to be perhaps persons who may consume illegal drugs and certainly the details of the report itself in terms of what is alleged to have already taken place that occasion the report and what devices, weapons, et cetera, are involved would all be contributing factors to whether a threat is considered to be constituted.

**The Deputy Speaker:** If there are no further supplementaries that concludes Question Time. I would entertain a motion for the suspension of Standing Order 14(2) in order to take private members' motions today.

The Honourable Minister for Education, Aviation and Planning.

#### SUSPENSION OF STANDING ORDER 14(2)

**Hon. Truman M. Bodden:** I move that Standing Order 14(2) be suspended for the taking of private members' motions on today as normally they are taken on Thursday.

**The Deputy Speaker:** The question is that Standing Order 14(2) be suspended in order to take private members' motions on a day other than Thursday. I shall put



the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Deputy Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 14(2) SUSPENDED.**

**The Deputy Speaker:** I will now move on to Private Member's Motion No. 14/00. The First Elected Member for George Town continuing his winding-up of the debate.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 14/00

##### PUBLIC EDUCATION SYSTEM

*(Continuation of debate thereon)*

**Mr. D. Kurt Tibbetts:** When we broke, I was in the process of dealing with Strategy 3 of the Vision 2008 document, which, with the amended version of the motion, is being incorporated into the National Education Plan 2000 - 2005. We did not know that this strategy had been incorporated into the rollover of the plan until the minister replied.

I find it very heartening to know that this strategy has been incorporated into the plan that has been rolled over. Now I want to make discuss the second "whereas" clause. Part of the amendment says, "**AND WHEREAS the Five-year National Education Plan has been extended, updated and rolled over into the National Education Plan 2000 to 2005 and a new strategy with four action plans (which has not yet been costed or detailed) which incorporates Strategy 3 of the National Strategic Plan 1999 - 2008 (Vision 2008) which plan was approved by this Legislative Assembly.**"

The 1995 - 1999 National Strategic Education Plan is said to contain nine prioritised strategies and 105 action plans on the education policies with each action plan stating the following:

1. The date each action plan is assigned.
2. The date each action plan starts and is due for completion.
3. The actual completion date.
4. The person or persons accountable for implementation.
5. The cost benefit analysis of each action plan.

Madam Speaker, the plan of 1995 - 1999 inclusive of the year 1998 is two years behind (meaning behind its perceived implementation date). If you have a plan from 1999 that states the date that the plan is assigned, the date each action plan starts, completion date, the actual

completion date, the persons accountable and the cost benefit analysis, and in its third year (of five) it is two years behind . . . when this plan was reviewed for the year 2000 . . . I am concerned greatly about the methodology employed that allows for anything not done according to plan and implementation dates to simply be rolled over into whatever the new one is.

I am not suggesting that is the case, but what I find to be very possible is that we could have a National Strategic Education Plan from 1995 to 1999 and have set all of our dates and our timelines for implementation. We could actually rollover that plan from 2000 to 2005 and at the end of 2005 not have gone any further than what our 1995 to 1999 projections were for completion or implementation.

I have not seen the revised plan for 2000 - 2005. The minister mentioned that certain sections are missing if he were to table the document right now. I understand that, but I really wish to lodge the concern. If we have a plan of that nature that no one questions—not only the veracity of but the goodness of the policies which are outlined in that plan—and the implementation procedure has several hold-ups in it, then that can cause us a problem. Education is not one of the areas that we can sit by and relax with.

If we are going to employ strategies with implementation dates based on present knowledge, and if we continue to lag behind then we will forever be playing catch-up. We will never be able to get to the point where we say we can relax for half-a-day because we have gotten the job done. This is not pointing fingers at the people who are responsible for or involved with the implementation process. I cannot point any fingers because I don't know. We are only talking about results—that's what we need to see.

Madam Speaker, I believe that the efforts to realise the implementation of these plans are what really need to be looked at carefully. Let me draw an example. When we were going through the 2000 estimates had it not been for questions raised during Finance Committee for the years 2000 and 2001 with all the talk about site based planning, it would not have been possible for site based planning to take place in the various schools because there was no money voted in the budget for it. The only amount that was actually in the estimates when it was given to us was an amount of \$24,000 for the George Hicks High School.

Now, when it was brought to light, immediately there was a move to transfer the funds from somewhere else to ensure that site based planning was going to occur this year.

Madam Speaker, I used that example to say that if we have a National Strategic Plan with timelines for implementation and a prioritised outline of the policy, and if our left hand doesn't know what our right hand is doing . . . it is no wonder that we cannot see our task completed. That is the point that I wish to make.

Now, the minister said during that time that he really was not aware that this was the situation that obtained. Taking what he said, we must have a problem. We know

the process. We know that a budget is prepared from the department that is put forward through the ministry before it gets into the whole big picture and then they go through the slashing and the thrashing and whatever. Then they bring a document to us. But if we ended up by making sure that there was money at the end of the day for site based planning (which must mean that site based planning is important in the process), then how come it did not come to us like that?

How come it took us plebes to bring up the topic and ask where the money for this is? Something has to be wrong! And I am going to go to try to find out what that is. I would not wager a guess at this point in time. I just used the example to show the difficulties that we have and that we have to have better coordination than that.

Madam Speaker, I want to take a few minutes to just reflect on a little bit of the debate that the Minister of Education proffered before he brought his amendments. This was when he was debating the original motion. With your permission, I would just like to quote a few areas from his speech.

**The Deputy Speaker:** Honourable member I have no objections to that if I can be provided with a copy of the *Hansard* of the honourable minister's speech. There is none on the desk.

**Mr. D. Kurt Tibbetts:** Madam Speaker, I have a copy, it has some markings on it, but I would gladly allow that to be photocopied and I could go on to something else until—

**The Deputy Speaker:** Honourable member, I would ask the Serjeant-at-Arms if he could have the *Hansard* Officer send a copy to the Speaker's table (unless it has been put on the Speaker's desk in his office, which is the normal procedure) before any member can have a copy of the *Hansard*.

**Mr. D. Kurt Tibbetts:** Madam Speaker, since we are at it I did intend to refer just for a short duration to the minister's debate in July 1998 when there was a previous private member's motion on education when he brought some amendments and was debating his amendments. Perhaps you would want to get the same thing done.

**The Deputy Speaker:** Proceedings will be suspended for five minutes in order for me to obtain these copies.

#### PROCEEDINGS SUSPENDED AT 10.58 AM

#### PROCEEDINGS RESUMED AT 11.14 AM

**The Deputy Speaker:** Please be seated. Proceedings are resumed. The First Elected Member for George Town continuing his debate.

**Mr. D. Kurt Tibbetts:** Thank you, Madam Speaker.

Referring to *The 2000 Official Hansard Report*, when the Minister of Education was replying to the mo-

tion before he brought his amendments on 21 June 2000. He stated, and I quote—

**The Deputy Speaker:** Could you give me the page number?

**Mr. D. Kurt Tibbetts:** Page 541. He said, “**Mr. Speaker, we know where the weaknesses of the education system lie, and we have put measures in place to counteract as many of these problems as we are experiencing.**

“**Mr. Speaker, it is naïve to blame all the problems of youth on the education system. Many broad charges of a failing system have been made, but the people know the quality of education in these islands, and they know that by far the large majority of our students will be outstanding citizens of our community when they leave school.**”

I would like to talk about that for a minute because I think it is important. Whenever one refers the segment of the student population that the system fails for one reason or the other, the minister always talks about the *vast majority* of students who will either find employment or go on to tertiary education to acquire professional skills. No one is questioning the validity of that statement, and no one is questioning the value of the system that accommodates those students.

I hold the view that it is facetious to allow one's mind to only dwell on the good of any subject matter. If we make broad statements—for instance, ‘*Well, if you look into system you have good and bad; but the good outweigh the bad.*’ I don't have a problem with that. But are we to say that just because the good outweigh the bad we must disregard the bad? That is what I don't believe should be the case.

So, when we talk about students falling through the cracks, we are not trying to suggest that the system is a total failure—nothing of the sort. We know the long and hard hours educators put in, attempting to make these children be the end product that we want them to be. We appreciate that. We know that there are other players in the game in the department and in the ministry with other attachments to the field of education that really go beyond the call of duty. We know of dedicated teachers.

Madam Speaker, my job is not to come into this place and praise. If I identify what I believe to be inadequate, I must point that out. If I were paid to just placate and stroke egos then I would beg the people ‘*please don't put me here*’. Not only can I not do that but I would feel unclean when it was all over. I am not going to dwell on that forever, but I really need the point made.

Now, the minister referred to everyone being an expert. I know he will smile at this, but here is what he said, “**I guess one of the difficulties that not only I as Minister of Education but I believe other Ministers of Education have faced is that education is one of those areas where everyone is an expert.**”

If, by inference, the Minister of Education is saying that I, as the mover of this motion, am pretending to be an expert on education, then not only is he misleading

anyone who listens to that statement, but he is misleading himself because I said no such thing. The truth of the matter is, expertise in an area does not qualify an individual to use what is between his ears to identify a problem. It does not. I will say no more on that.

Madam Speaker, I won't read this, I will just summarise it. The minister also said in his delivery that history will prove that the 1995 - 1999 Strategic National Education Plan was the most significant step for education in the last fifty years because for the first time the Ministry, the Department of Education and the schools were all heading in the same direction.

If that is the case today, I am a happy person. But I know that deep down the minister knows that is not quite the situation that obtains. That may well be his hope or his intention. That's all we are saying. We are not saying that government's policy is rife with inadequacies and holes in it. That is not what we are saying. We are saying basically that there has been a problem with implementation.

I think I read something in the paper about the motion being almost redundant based on certain things that were happening. Now, the question of redundancy . . . I don't know about you Madam Speaker (because when you are not in the Chair you sit on the backbench), but I had no idea about this rollover from 2000 to 2005. I won't even suggest that I was supposed to know because I don't know how the minister feels about that. But I know what obtains in the circumstance, we talked and we brought a motion.

With the greatest of respect to all concerned, I hold the view that the same original plan, the rollover plan and the incorporation of Strategy 3, when it comes to implementation I know it has not been happening and there are many reasons for it. The Millet Report came as a question in the House very recently . . . and there is every good reason in the world why that should have happened. I will prod the minister and ask for the report to see what they are doing to move forward.

So, you had self-assessment of the department. You now have an outside individual, who is qualified, paying attention to that self-assessment and then doing her own assessment, extending her own ideas with regard to providing a report as to the way forward. The difference in all of that—which the minister will never admit—is that that should have happened several years ago and the minister knows that!

Of course, the minister knows that. But his answer would probably be, *'Well, you know, Kurt, I am good—but I am not perfect'*. I understand that. But you see this business of education is more important than nearly everything else. Even with all of the other issues facing us, if we don't have the right system in place to let our youth realise their potential in whatever area they are gifted in . . . God made us like that and that's why not everyone is a doctor and that is why not everyone is a lawyer. Some of us are good at other things. And our system has to drive the individuals to where they realise their potential in whatever area they can perform best. It has not been doing that.

Now, there are words to that effect in the plan. As of now it has not been done. I am not saying there are not plans to make that happen but as of now it has not been done and that is of great concern to us.

Madam Speaker, I want to go back to page 615 of *The 1998 Official Hansard Report*, when the minister brought his amendments. I am not going to read all of it, but I just want to show you the line of argument that was brought to prove my point. In July of 1998, the Minister said, **"The question of vocational/technical subjects. At John Gray High School, the vocational studies that are taught are:**

- **Motor Vehicle Studies**
- **Information Technology**
- **Work Skills**
- **Technical Drawing**
- **Child Development**
- **Food Nutrition**
- **Woodwork**
- **Electricity**
- **Electronics**
- **Typewriting**
- **Textiles**
- **Building Technology**
- **Commercial Studies**
- **Art**

**At the Community College, the vocational studies there are:**

- **Auto mechanics**
- **Construction**
- **Electricity**
- **Hotel Operations**
- **Professional Cookery**
- **Computing**
- **Accounting Secretarial**

**In relation to the extension services, these include:**

- **Computing**
- **Air-conditioning**
- **Architectural Drawing**
- **Telecommunications**
- **Wiring**
- **Plumbing**
- **Electrical Licensing**
- **Caribbean Cooking**
- **Bread and Pastry making**
- **Developmental classes such as numeracy and others . . ."**

And he finished it off by saying, **"There is a very wide range of technical/vocational subjects. Members of this House went through the college some time ago and saw the extent to which that college has been developed. We know it is now into the Associate Degree."**

Madam Speaker, the way that statement was made you would believe that by now we would be well underway with a technical and vocational programme from the high school through the Community College that could be surpassed by no other. Do you know what has happened? If you check the subjects taught at the Commu-

nity College now . . . they have said the students have not come forward to take up these studies so it makes no sense to have the classes. But we have been pounding and saying that you cannot expect to start them at the Community College. When a person who does not have a firm plan for his future leaves school, he wants to earn his own money. That is what he wants to do. The difference in the whole affair is that he wants to earn his own money but doesn't have any skills with which to go and earn the money. This is what we are saying we need to correct. It's a big issue! But it has not been done.

I remember not so long ago a programme being espoused in this honourable Legislative Assembly about this marriage with the employers. Anyway, this is a new programme to do with technical and vocational training utilising the private sector. I don't know what is happening with that and I am not saying there is no merit to that thought. But unless we continue to literally hound these people about these matters . . . history has proven to us that we will all get old and still not hear anything about what's being done—because nothing has been done. I know that there are distractions, but we don't have any time to waste when it comes to the education of the people of this country.

We have, in fact, wasted too much time already! I have to go back to the statement that nearly every problem we have in this country can be related to education. And the minister talks about how wild a statement that is and irresponsible and whatever else—not even taking two minutes to understand what poor big me was trying to say. It had nothing to do with trying to make the minister look bad, but that's the first thing that comes to his mind.

Now, I just want to remind him again that part of the motion we brought in 1998 . . . he tried to put forward amendments. And he debated the amendments, but the amendments failed. Then he did not even debate the motion itself after that. He made me wonder about that, but we are beyond that now. Part of the motion in 1998 (which, again, was brought by myself and the Third Elected Member from Bodden Town) . . . and the minister himself said on page 617 of *The 1998 Official Hansard Report*, in bold print it says: **“AND BE IT FURTHER RESOLVED that these matters be treated as top priority and that whatever funds are needed be redirected, if necessary, from elsewhere in order to effect the necessary corrective measures”**.

We were talking about capital projects. The minister brought his amendment: **“In accordance with the capital expenditure to be laid on the Table of this Honourable House and will support approval for the 1998 expenditure and that the 1999-2000 expenditure be raised by such measures recommended by the Honourable House as priorities in the years 1999- 2000 in order to effect the necessary corrective measures.”**

The history of the government is from 1992, when we asked about classroom space and the problems that are going to come about—we sat here and argued about that, we watched it happen and argued more, watched it happen again and argued more about it . . . that gets

frustrating. So, by way of a motion we talked about projected capital expenditure in order of priority in the area of education. All the minister did was react, then he sent us a list—the famous \$54 million list—of capital projects that he and his advisors saw as necessary in the country. That was in the sixth year of his government's regime.

But are we suddenly to believe that only if we push forward and dig and do what we can to draw the minister's attention to it that he will pay any attention? I cannot believe that is how the minister would operate. He must have a bit more foresight than that.

If we check the records from 1992 to the end of 1997, less than 4.5% of the total capital expenditure was on education! Less than 5% of capital expenditure was on education. Where is the priority? There cannot be any!

Now, they talk about the primary school that is needed. The excuse is that the landowners won't allow the place to be built up in Spots . . . I am not getting into all of that. We must wade through the process until we find the right location. Now they are going to be blamed because the landowners don't want them to build the school there. Madam Speaker, we cannot live like this. All we are doing is outing fires.

Do you notice that we still don't have the primary school or the other high school? I know that it is in train. The one in West Bay is still not done. The fact is that we should have been (without trying to get into too much detail) between two and three years further ahead in everything we are doing in education if it were done with the urgency it should have been done with.

With regard to the capital expenditure, look at how many times we have argued about a medium-term financial strategy and a public sector investment programme, all to do with the government being able to put forward a medium-term rollover plan that is prioritised for the capital expenditure needed. It has never been done! The Financial Secretary and I have wrangled time and time again about it, but I know it has nothing to do with him. It has all to do with the government and its policy—or the lack thereof. If I have to spend the next fifteen minutes—

**The Deputy Speaker:** Honourable member would this be a convenient time to take the morning break?

**Mr. D. Kurt Tibbetts:** Yes, Madam Speaker.

**The Deputy Speaker:** Proceedings will be suspended for fifteen minutes.

**PROCEEDINGS SUSPENDED AT 11.43 AM**

**PROCEEDINGS RESUMED AT 12.10 PM**

[Hon. Mabry Kirkconnell, MBE, JP, in the Chair]

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on the winding-up of Private Member's Motion No. 14/00.

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you, Mr. Speaker. When we broke for a few minutes, I was talking about the fact that less than 5% of the total capital expenditure for the country between 1992 and 1997 had been spent on education.

I was quoting from *The 1998 Official Hansard Report*, page 616, where the minister was bringing amendments to the other private member's motion on education brought then. The minister said after he brought his amendments, **"So, I have gone one step further. We have gone beyond saying it is a priority. It's the difference between our talking about it being a priority, I am asking for a commitment. Let us commit next year and the year after to putting the bulk of capital expenditure in this country into the future of this country, which is our education system."**

Thank God, at least we agree on something.

**"Mr. Speaker, the system is in place there can be no doubt. I have read extensively and I hope that members of this House and the public realise how detail and important the strategic plan on education is—it deals with every aspect of education."**

I just read that little section to make the following point: The minister's commitment at that time was that for the next two years the bulk of capital expenditure was going to be on education. History will prove whether or not that has been the case. I was referring to the medium term financial strategy, which is probably now in its seventh or eighth draft, as to what capital projects the government of the day was going to involve itself in based on order of priority. The point that I wish to make is that this government has been totally lax in doing anything of that nature.

Now, when this year ends, money that was put in the budget for certain capital projects to do with education . . . they are going to say how the people would not let them start the school in Spots et cetera. If they are still around (because there is an election in November), they will be happy campers relating to the public how much surplus the country has. But it will not be surplus! It will only be 'surplus' that is displaced because the capital projects that they announced will not have been done or accomplished. In the meantime, my country suffers.

Mr. Speaker, the facts of the matter are as follows: I can only hope that the Minister of Education, in fact his entire government, accepts the need to really make the issue of education the priority that it should be. It is the only sound future for this country and I believe that we have proven that there are certain inadequacies. I believe it is safe comment to say that the majority of the inadequacies are to do with implementation (that is, of the strategic plan), that includes in the area of capital development; that includes in planning the future of the country with regard to educational facilities; that includes upgrading the existing facilities, which are vitally necessary. That includes putting together programmes which involve technical and vocational training so that more of our students can find themselves tooled to be able to get

out into the workforce and earn a decent living when they have finished their secondary education. That includes using all that I have talked about to ensure that our social problems do not escalate; and that includes being able to identify the real demands of the work force in the Cayman Islands and doing everything possible to produce the bodies that will find themselves within those demands where no one, if at all possible, is displaced.

It's an uphill task to accomplish that I know. But that has to be the ultimate goal. It must be! If that is not the ultimate goal, we fail before we start.

Mr. Speaker, I don't say all these things professing expertise to the level where I can pinpoint all the solutions to the problems. In fact, no one person knows. It takes all of us working together with ideas—even when we disagree on those ideas—to be able to come up with viable solutions.

I am going to just close on the motion now. There are other things I could have said. The fact is the motion is being accepted. But I want to impress upon the minister and the government that regardless of other priorities, regardless of all of the other areas that we have to be looking at, we cannot delay with the implementation of our educational policies through Strategy 3 of the Vision 2008 document being incorporated into the 2000 - 2005 plan, and through whatever other means that we have to use.

I believe that as a country we have a future. But I also believe that whatever plan is put forward, education has to be its base. Knowledge is going to be the wealth of this country—not the money that is in the bank today. I am not saying (for those who have money) that we are going to throw that away. I am simply saying that the value attached to knowledge is going to be much higher in the future than it has ever been in the past. It is for that reason that we have to pay attention and make sure that we are on the move.

Mr. Speaker, when we look at the initiatives the country faces; when we look at all of the compliance that we have had to so far involved ourselves with—and more to come, when we think about having to shore up certain industries and all that—that has a very serious bearing on the need to have an educated population.

A lot of people might not really realise that, with the way this country has grown, we could find ourselves ten years from now (because of the skills that are demanded) with an imported work force, and 10% or 15% employment in the country. We will wonder whom to blame. What will we do then? What will we do when the people start to say, *'The foreigners need to go—I need the job!'* and they are not tooled to do the job? How is that going to work? How are businesses going to say, *'We are going to employ a Caymanian, but the Caymanian doesn't know how to do the work?'* That has already happened to a small degree, and it will only multiply if we don't make sure that we do the things that are necessary from now not to make that happen.

I don't make that point to talk about foreigners and Caymanians. I make the point because that is simply a fact that is real and can happen.

I hope that the government fully understands the intention of the motion. With a little bit of wrangling we have been able to agree on amendments brought by the Minister of Education. Putting all of that together, as it now stands (God sparing life) I will simply watch and do the best I can from where I sit to make sure that nothing is left undone. Regardless of how uncomfortable I might make anyone in that process, it is simply because I believe that is the best way I can contribute at this point in time to help to ensure the future of this country. Thank you.

**The Speaker:** I shall now put the question on Private Member's Motion No. 14/00, as amended, shortly entitled, Public Education System. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The motion is passed.

**AGREED: PRIVATE MEMBER'S MOTION NO. 14/00 AS AMENDED PASSED.**

**The Speaker:** Moving on to Private Member's Motion No. 8/00, Watersports Concessions at Major Hotels.

The Third Elected Member for West Bay is not present. The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddan:** Mr. Speaker, the reply to this motion will be by the Minister of Tourism. He is off for this week. I mentioned to some members that we put this to the end. If we do come to the end of the agenda, I have undertaken to take the Minister of Tourism's two bills together with the motion and we would deal with it, if it reached that stage.

**The Speaker:** Are you putting a motion then that this be moved to the end?

**Hon. Truman M. Boddan:** Yes, sir.

**The Speaker:** I will put the question that we pass Private Member's Motion No. 8/00, Watersports Concessions at Major Hotels and leave that to the end and go on with Private Member's Motion 11/00. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: PRIVATE MEMBER'S MOTION NO. 8/00 PLACED AT THE END OF OTHER BUSINESS.**

**The Speaker:** Moving on to Private Member's Motion No. 11/00 entitled, In-depth Discussion on Increased Interest on Electrical Rates, to be moved by the First Elected Member for West Bay.

## **PRIVATE MEMBER'S MOTION NO. 11/00**

### **IN-DEPTH DISCUSSION ON INCREASED INTEREST AND ELECTRICAL RATES**

**Mr. W. McKeeva Bush:** Thank you, Mr. Speaker. Private Member's Motion No. 11/00 standing in my name reads as follows:

**"WHEREAS the United States' interest rates were increased on short term funds;**

**"AND WHEREAS interest rates in the Cayman Islands have been increased on short term and long term funds;**

**"AND WHEREAS electrical rates will be increased;**

**"BE IT NOW THEREFORE RESOLVED THAT the Government have an in-depth discussion with relevant banking institutions and Caribbean Utilities Co Ltd with a view of reducing the impact of these recent increases on their clients."**

**Mrs. Edna Moyle:** I beg to second the motion.

**The Speaker:** Private Member's Motion No. 11/00 has been duly moved and seconded. Do you wish to speak to it?

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I am concerned about the ever-increasing cost of living in these islands. There are no two ways about it, I believe that we are reaching the breaking point.

Increases in bank interest rates affect everyone, and it affects those with small incomes more than anyone else. I am not saying here that government can go and take the banking institutions and beat them over the head, but I believe that government has a duty where this is happening to sit down and have discussions.

Firstly, the increase in the United States' interest rates is on short-term borrowing not long-term. In other words, the current rate on 30-year fixed mortgages in the United States is something like 8.5% as opposed to our rates locally, which are typically Prime plus 3% or something like 12.5%. The increase by the Federal Reserve in the United States does not increase the cost of money in the Cayman Islands. Our banks here are deposit based and most would have cash above and beyond the capital adequacy ratios as outlined in the Companies Law. Therefore, local banks do not have to borrow at these higher rates to meet any such ratio or to raise funds for lending.

What I am saying is that what is happening in the current systems leads to windfall profits and the consumer is left to pay the price.

In fact, the institutions of these islands get a double bonus as they are allowed to place their excess funds on overnight deposits in the United States market at these higher short-term rates thus earning more on their short-

term assets, that is, cash, and their long-term assets which are loans.

Local banks borrow locally by accepting deposits and they lend locally. The spread that they earn is quite substantial, and to increase rates simply because the Federal Reserve in the United States increases the cost of the short-term fund . . . I don't believe anyone can say they are acting with an acceptable social conscience.

Mr. Speaker, the poor man in the Cayman Islands is not going to make it with this current system. In fact, businesses have their costs increased and again this has to be passed on to the consumer who gets hurt but those smaller guys that are levelled with small salaries that cannot afford \$100 or \$50 added on to their mortgage. The House, the government, and the country must understand this. This is not just happening today it has been happening a long time—there are some people in this country who live from pay cheque to pay cheque and at that they can barely live.

We have single parents and single persons who have worked hard to get a house but can just barely meet their mortgage. Not everyone has gone on a splurge and bought big cars and have big mortgages because of that. Thank God there are still a lot of people who are conservatives when it comes to that sort of thing, and their first priority is to get a shelter. But when you increase (as I will attempt to show later on) \$100 on someone who is already living from pay cheque to pay cheque it damages him or her and it damages the social system.

I have not been able to understand properly why within a country like ours we don't have the Monetary Authority regulate local interest rates. Maybe there is some reason that I don't know about, but I often wonder about it.

Mr. Speaker, I would like to give an example of the impact of increased interest rates on the debt service capacity of the average mortgagor. On existing borrowers, the average mortgage amount of \$135,000 for an average term of 20 years and a monthly payment at 10.5% is some \$1,347.81. But at a monthly payment at 11.50% is just about \$100 [more].

For the potential new homeowner, an average mortgage amount required for that same \$135,000 for an average term of 20 years at a monthly payment at 10% is still \$1347.81. The average minimum monthly household income required to qualify is \$3,750, and a monthly payment with the interest rate at 11.5% is that \$100. The average minimum monthly household income required to qualify in the face of the 1% increase of the interest rate is \$4,000. This is where it slams the average person in these islands. The biggest problem with the increase in interest rates is that it puts the chances of people getting a home further away. For just that 1%, the salary needed to be able to qualify for that same mortgage of \$135,000 goes up to \$4,000, up to some \$300 that they don't have because no one is giving a big pile of raises in this country. The Legislative Assembly is the only one!

Mr. Speaker, that is the biggest problem in this country. Payment to income ratio increases also and that

comes to something like \$300. These are problems that I see coupled with other problems that are pressing people—pressures and stresses that we don't need.

I cannot understand if the lending rate goes up why shouldn't savings and interest rates increase. That is another thing that I don't understand.

Mr. Speaker, we all know that Caribbean Utilities gives the best service in this region. There are no two ways about it. But the consumer cannot constantly take the impact of the increases. I know they have a contract, which was given many years ago, but the fact remains that it is hurting our people. This has been under discussion for many years. It has been the subject of many motions in this House. It has been [discussed] at government level. I don't know what has been accomplished but Caribbean Utilities keeps increasing its rates and the people are pressured that much more. Some of it is not easy to deal with simply because of contracts, licences that have been granted. But I am asking government to urgently look at this situation.

I cannot do anymore than that and I trust that they will accept the resolution.

**The Speaker:** The floor is open for debate on Private Member's Motion No. 11/00. Does any other honourable member wish to speak?

The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, I rise on behalf of the government to comment on Private Member's Motion No. 11/00.

The Honourable First Elected Member for West Bay is very timely in bringing this motion to the Legislative Assembly. He has provided some examples of the difficulties that persons within the Cayman Islands are experiencing at this time with the increases that have occurred in interest rates especially over the past year.

Quite recently, I spoke to a representative of one of the clearing banks who had a meeting during the course of last week. I should mention that the representative indicated to me that the clearing banks themselves are concerned about what is happening because evidently it is shown where a certain level of delinquency on the payment of credit cards and also other borrowings is on the increase.

Mr. Speaker, the First Elected Member for West Bay also raised the issue as to whether it is timely at this point in time for the Monetary Authority to become involved with the clearing banks in the setting of interest rates. I would endorse the involvement of the Monetary Authority and the government should not have a difficulty with that position being taken. It is one where the policy initiative to achieve this will have to be discussed, and at this point in time I would not want to be premature in the making of any suggestions. I think it has gotten to a point where in order to protect the interest of the local community, and also to guide the development of business within the Cayman Islands, I think this would accrue advantages to both sides—to the banking community and

to the Cayman Islands community—for the Monetary Authority to become involved.

At the end of the day, we know it is not only a question of the additional cost to borrowers—especially persons who have taken out mortgages at a given rate and over the past months have found their monthly repayments to have increased significantly. We know this is also having an unfavourable impact on the construction industry within the islands because evidently if homeowners are finding it difficult to borrow and meet the increase repayments that will be brought about as a result of these heightened interest rates, obviously this will be affecting the construction industry. We know the construction industry is also a significant part of our economy and this is an area that will have to be looked at.

I have been made to understand from the representative of the clearing banks that they are assisting borrowers in extending . . . just to quote **“To address the recent increases in interest rates the banks have individually addressed how they can best accommodate their customers with the potential increase in loan repayments. One of the main areas of concern has been in respect of mortgages, and, where increased payments have been outside the ability of customers, banks have maintained the existing repayment arrangements and extended the term of the mortgages.”**

We do recognise this as a variation of the contractual arrangement because often times when a mortgage is taken out it is for a discreet period of time. If it is taken out for a period of 10 - 15 years often times we find that families have certain activities that have been programmed over a given period of time. Quite a number of these families will have children that will be going off to universities and engaging in other commitments themselves and as a result of that the demand on their income has been programmed over a given period of time.

Where, as a result of these additional costs, mortgages have to be extended by a year or two, Mr. Speaker, this can have an adverse impact upon the family.

This is a matter that will have to be discussed in Executive Council, and I will undertake to put a paper to Executive Council on this matter to allow for an in-depth discussion on this very important subject.

On the question of electricity, again, this is a cost that has to be looked at very carefully. But I should point out that there is a factor here: it is not the straight electricity cost. The Economics and Statistics Department carried out an analysis, and evidence shows, for example in June 1999, a monthly electricity bill of 800-kilowatts rose from \$131 to \$146 or by \$14.97—that is the increase. Of this increase the electricity tariff accounted to just \$1.20 whereas the fuel adjustment factor was \$13.77.

So, this is a matter that will have to be looked at very carefully because we can see the increases that have been occurring in fuel cost. This has a knock-on effect of significantly increasing the electricity bills to the consumers within our community. Again, this is a matter

that needs to be looked at very carefully and again a paper will be put to Executive Council on this matter in order for the government to determine the way forward. Probably at a point in time this could involve engaging with Members of the Legislative Assembly in discussions.

Mr. Speaker, I have been concerned . . . I should say the government has been concerned, in terms of the increases that have been occurring in interest rates. On 16 May 2000, interest rates in the United States were increased by 50 basis point or .5 of 1%. The Federal discount rate increased from 6% to 6.5%. The prime rate correspondingly in the United States went up by 3% to 9.5%. We know that an additional 300 basis points, or 3%, was added in the Cayman Islands to bring the cost of borrowings to 12.5%.

Again, having heard the points that have been raised by the First Elected Member for West Bay, I will be getting a transcript of his comments and those comments should form the paper that will be put to Executive Council on this matter.

The government recognises that these matters raised this morning are very urgent. At this point I could say a lot on this but I would rather this be a guided and informed discussion because this could involve certain changes having to be made or considered especially in the area of the fixing of interest rates and again looking at what is happening in regard to the increased cost of electricity. So, it is much better to be informed by the ideas that have been shared which are very useful. It is much better that those ideas or suggestions by the honourable member form the submission that will be made to Executive Council. Thank you.

**The Speaker:** The floor is open for debate, does any other member wish to speak? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I listened to the mover and I listened to the government's response, and there are a few brief remarks I would like to add to what has been said.

The first point that needs to be underscored is the fact that it is high time for the banks in this country to realise that there has to be a more understandable system of operating than what has been transpiring and what has transpired in the past. All honourable members understand the business of banks and understand the business of investment and so on, but our people are screaming that they are bearing an inordinate share of the burden. One has to wonder why every time interest rates rise in the United States they also rise in the Cayman Islands even when the funds down here are not directly impacted.

Mr. Speaker, it is obvious, particularly where mortgages are concerned, that our people are labouring under a rather onerous burden because we have no institutions which specialise in the kind of loans and mortgages which in many of the jurisdictions are peculiar to homeowners. We have none of those foundations and institu-



tions that exist in other jurisdictions that cater exclusively to home and apartment buyers.

There is a need for our people to get some long-term relief from this, those who are currently holding mortgages and also those who are anticipating taking out mortgages. Here I am particularly concerned with young persons who have in addition to the responsibilities of the mortgage, other expenses such as car loan, maybe school fees and other kinds of incidentals expenses, which will impinge on their ability to service the mortgage payments particularly at a time when interest rates are generally rising.

The criticism has also been made that even in those cases where the rates drop in other countries we do not so readily see the results and feel the effects here with the criticism being that the rates are immediately obvious when they have been raised. But when they are lowered there is a reluctance or a reticence for those beneficial results to be felt in this jurisdiction.

Ultimately, the ideal solution to this would be to develop an institution or encourage the development of an institution whose exclusive purpose is to grant long-term mortgages. Often I wonder how it is that we in the Cayman Islands—after all these years of boasting of so much affluence and so many banks—could not set up an organisation like the Fanny May Foundation in the United States whose sole purpose is to help homeowners find affordable mortgages.

I hate to say this, but in a jurisdiction like ours it seems to me that the greater part of the responsibility for accessing these funds and for ensuring that they are available has to fall on the government. So, now it may be that one way the government could address this problem is by developing the Monetary Authority into an autonomous institution which has a greater regulatory say in the raising (and by inference the lowering) of interest rates. I believe that it need not be an adversarial position. I think that some kind of understanding can be worked out between the banks and the Monetary Authority and common ground can be had so that the consumer is ultimately not put out or under pressure.

Mr. Speaker, I need not stress the point that this is of crucial importance now with the expected adjustments that we are going to have to make as a result of recent changes in the laws governing the operations of our financial centre. So that it is of paramount importance that the banks can come under some understanding and we can work out some amicable way in which interest rates can be set and established so as to not greatly inconvenience or marginalise the Cayman customers.

Mr. Speaker, my comments regarding increase in electrical rates can best be captured by the fact that I call again for the establishment of a Public Utilities Commission that would have as one of its reference points the setting or the approving of rates, or consultation in approving rates when the proposal came from the electricity company. Every modern country has such a commission. One of the things we have to deal with inside here . . . and I am going to express it very gingerly, but the problem in the past as I see it is that we are labouring

under a situation where there are potential conflicts of interest. We have some people in this chamber whose affiliation and relationship with the banks (and in the past, the electrical company) was to my mind less than satisfactory where you had a mutuality of interest. And some of these people sat as directors of banks and sat as directors of the utilities company.

Mr. Speaker, that is a no-no, because when you get yourself in those kinds of positions . . . where is the loyalty? We have as much to work on extricating ourselves from those kinds of situations before we can purport to properly represent the people and to view these kinds of situations objectively. I am saying, sir, that when we have those kinds of situations our views have to be clouded and we have to decide where we are going to lean. Clearly, there is some work to be done.

I would hope, having brought private member's motions here on two occasions calling for the establishment of a public utilities commission, that one of these days in the not too distant future a majority of honourable members would see the necessity and the efficacy of establishing such a commission. Mr. Speaker, it makes for bad relations and it makes for bad feelings when the Legislative Assembly has to resort to dictating terms and patterns of behaviour to these private sector institutions.

I think in all fairness this kind of thing could best be handled by a body independent of the Legislative Assembly—a body whose function is perhaps largely consultative but not limited to consultation, that has the ability and is structured so that its recommendations can carry some weight. In modern societies, this is the ideal to which to strive. We should do that here because clearly a situation where electricity rates are raised at a time when interest rates are rising, at a time when we are facing a possible constriction in some sectors of the economy, it is going to place a tremendous burden on our people.

I understand there is a fuel factor in this, and right now fossil fuel are perhaps at the highest price they have been for some time. Clearly there is no resolve in sight because even among the organisation of petroleum exporting countries there is no unanimous position. Some countries wish to hold production at the current level; some wish to increase in an effort to reduce the cost; and others are nonchalant and disinterested capitalising on the high prices. We in the Cayman Islands are captive to this kind of international juggling.

When we have the factors that are impinging upon our economy now—high interest rates, high fuel costs, and the possibility that there is some constrictor, I can see where we can have problems among certain elements of the population. Good governments will always seek to get in a position where they can function so that the majority of their people can benefit.

I hope, Mr. Speaker, that I have been able to add something significant to the debate. I look forward to the government trying to craft some relief so that our people won't have to suffer too much longer. Thank you.

**The Speaker:** I think this would be a convenient time to take the luncheon break. We shall suspend proceedings until 2.15 p.m.

**PROCEEDINGS SUSPENDED AT 1.03 PM**

**PROCEEDINGS RESUMED AT 2.30 PM**

**The Speaker:** Proceedings are resumed. The floor is open for debate on Private Member's Motion No. 11/00. Does any other member wish to speak?

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I rise to offer a very short contribution on the matter because the issue of interest rates was discussed in this Legislative Assembly.

the motion reads: **"WHEREAS the United States' interest rates were increased on short term funds;**

**"AND WHEREAS interest rates in the Cayman Islands have been increased on short term and long term funds;**

**"AND WHEREAS electrical rates will be increased;**

**"BE IT NOW THEREFORE RESOLVED THAT the Government have an in-depth discussion with relevant banking institutions and Caribbean Utilities Co Ltd with a view of reducing the impact of these recent increases on their clients."**

Now, there are several different views to take when one is discussing this matter, and I want to separate the two issues for a minute. If we are talking about the bank interest rates and we want to take the view that the clearing banks in the Cayman Islands, the local institutions have historically followed the lead of the United States. In recent years, the great one himself, Alan Greenspan, has been the trigger for interest rates moving one way or the other in these islands because the clearing banks here seem to attach much relevance to the fact that the United States whenever they move their interest rates it has a bearing directly on us.

I have heard arguments proffered where one of the reasons for this is because the majority of deposits that these local institutions have are in US dollars not Cayman Islands dollars. As a result, when interest rates on deposits accompany interest rates on loans in the States, if they don't do the necessities here it makes no sense for the funds to remain here. It is mostly those funds that they have to convert and lend out to the consumer locally.

Mr. Speaker, while there seems to be logic in that argument what I am not 100 percent sure about at this point in time is whether the short-term lending has the direct effect that it seems to have on the long-term lending rates, or, rather, the short-term interest rates on deposits having any serious impact on the long-term lending rates. It sounds kind of funny but that is what I am referring to.

Mr. Speaker, let us look at how government operates. And that is the twist that I was talking about to the whole affair. You also speak to some of the bankers and

they will say to you that it is a natural phenomenon for them because the cost of business is ever on the increase for them. In order for their balance sheet to show profit rather than loss . . . that also has a bearing on the interest rates that they have to charge for the money that they loan because a lot of the money, if not all of it, is other people's money.

They have to create the spread to incorporate all of their costs including the potential historical factor of bad loans, repossession of vehicles, goods, property, or whatever, and the litigation costs, lawyer fees and the whole works. So, they seem to be able to justify their argument whenever the question is asked.

We have never gotten to the point where we are totally satisfied to have a regulatory body which can come and say to the banks, *'listen, here is your authority to increase your interest rates,'* or *'here is a directive to decrease your interest rates on loans by such and such'* because of certain factors which affect them one way or the other. The reason behind this situation is, in my view, simply to ensure that the rest of the world is satisfied that what is done is done properly, and justifiably so.

When you have the consortium of banks and the clearing banks in the Cayman Islands simply reacting whether justified or not . . . and I am not questioning the justification at this point in time. But the way the system works now for the consumer and the rest of us who are not involved but who either have a little savings and a big loan in these banks . . . we see the reaction by way of an announcement in the newspaper. Whenever there is a hike in interest rates, for instance, in the United States you see parallel to that an interest rate change in the Cayman Islands—those clearing banks announce that change. What that means at present is that the clearing banks have no checks and balances involved to justify any increases.

Let me make it very clear in making the statement because words can be twisted. The statement is not made in any attempt to say that there may not be justification for the increase. The statement is simply made in the interest of transparency, that if you have a situation where an institution arbitrates and justifies this increase that the banks wish to make then there can be no questions asked and nobody can try to say that the banks are overcharging with interest rates and all that. That's the whole purpose of that exercise.

In line with the motion . . . because the motion is asking for it to be resolved, that the government have an in-depth discussion with relevant banking institutions and CUC with a view to reducing the impact of these recent increases on their client. The motion is calling for that. So, I am saying that I think that in the immediate term the motion is fine.

In the longer term, we need a regulatory body that will be able to sign off whenever these increases have to occur and simply say that these increases are justified and on the odd occasion when rates are going down because they do that sometimes too.

Now, Mr. Speaker, with regard to CUC and the electrical rates, there is a franchise agreement. I think the

short and simple answer could well be that there is this franchise in place. I am not 100 percent sure, but I suspect that there may be somewhere between 10 and 12 years left on the franchise. I think the period was a 25-year period. Let us go in the middle and say about 11 years left on the franchise.

Now, my understanding about the way the franchise works is that the utility company has the right to justify a return of 15 percent on its investment. I am not sure whether that is qualified to say its capital investment or not, but I believe that is the basic principle under which the franchise operates.

The government has a duty to verify that CUC is meeting that obligation whenever they choose to do so. I remember sometime back (I think it was probably six or seven years ago after the government changed in November 1992) where the requirement was for the Financial Secretary's office (the Department of Finance) to be responsible for ensuring that proper audits were done from time to time to prove that the method by which CUC was doing its rate adjustment at any point in time was complying with the franchise. That was changed from the Financial Secretary's portfolio to the Ministry of Communications and Works, that is now supposed to be responsible for that to be done.

I remember questions being raised in this honourable Legislative Assembly about it, and I have never heard an answer back to say whether this has been done since 1993. The government has to say what has been done.

This is not accusing CUC of not fulfilling their obligation under the franchise. This is a question to the government: Has the government fulfilled its responsibility to ensure that CUC is complying with the franchise agreements?

Now, I want to say this specifically because small things can become big things. If the government does not reply to this, I am going to assume it has not been done and there are four of them over there hearing me now, so it needs to happen.

Mr. Speaker, the reason why we use occasions like this to pin the government is . . . for instance, that has been a question which has for over one year not been answered. And then we get into all kind of arguments. If instructions have been given and it has not been done, I don't really want to get into all of that. I want to know what has happened out of it.

I mean, here we have a situation where you will have CUC, they too will incur increased cost. And I am confident that they would not do anything but what is correct with regard to the franchise agreement, but your systems must call for checks and balances. If only to prove that they are within (so that no one can make accusations), then the government has that inherent responsibility. If this has not been done for seven years, then I think there is a lot left to be desired.

I believe it is safe comment to say that if that responsibility had been left in the Department of Finance and Economic Development—where it had been all the time—that would not have happened if I am correct in my

assumption. Because that is what it is now until the government gets up and clears the air.

This motion is a motion simply crying for some assistance for the ordinary person on the street. That is my take of the motion. The motion does not have the specific sense of direction to tell the government '*do this*' so that we can get some results. The motion recognises a certain problem that exists. It underscores the areas that one can figure to be causing the problem and it simply asks for talks to see if there is any way we can have a different look to be able to pass on savings that might be derived from whatever is looked at with regard the consumer.

The government also has to recognise that in the case of CUC, for instance, a relative huge cost involved in the rates is the duty charged on the fuel that the company uses. That, in itself (if I am not mistaken) government derives somewhere between \$11 million to \$13 million from duty.

With all of that in mind, Mr. Speaker, I commend the motion to at least see if we can get going to do something about it. I mentioned the regulatory authority regarding the interest rates, that is, the Monetary Authority. I will not go any further but will leave the Financial Secretary with the way he has chosen to reply. I do hope that the government is going to reply to the question that has been raised with regard to the last time the audit was done by the government as is required in order to give the green light that the utility company is doing what they should be doing under the franchise agreement. Thank you.

**The Speaker:** The floor is open for debate. Does any other member wish to speak?

The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** Thank you. It was not my intention to speak as the motion had been accepted by the Third Official Member, but a question has been asked with regard to audits and CUC.

Government has in the past carried out audits in conjunction with what the First Elected Member [for George Town] has questioned. As a matter of fact, in recent times another audit has been asked for. So, yes, we have had the same concern. I don't have the exact date of the last audit, and the Financial Secretary has just undertaken to get it so that will be passed on as quickly [as possible].

**The Speaker:** The floor is open for debate. Does any other member wish to speak? If no other honourable member wishes to speak, does the mover wish to exercise his right of reply?

The First Elected Member for West Bay

**Mr. W. McKeever Bush:** I am very appreciative, and I think the people of this country will be also for the government agreeing to do something about the interest rates of the banks and the situation with CUC.

The Financial Secretary not only agreed but laid out the path he intends to take. I would say this is probably the first time in a long time that I have been in this House that I have had a government member rise and say what they are going to do rather than to say they will do something about it. He said what he will do. I certainly appreciate that on his part.

I am happy, sir, that the Honourable Financial Secretary agreed that the Monetary Authority can be involved. I am happy especially in the light of his announcement that the Authority is to finally become independent. I appreciate his initiatives to do something about the electrical rates and the urgency of the matter.

Mr. Speaker, in the matter of CUC and their franchise and their authority to increase rates to keep the 15 percent intact, some years ago, I was party to a motion which asked for a Public Utilities Commission. I know one was debated and passed. Government has always had members on CUC since its inception, and I would think it would be bad for government not to have representatives on that board.

The Deputy Financial Secretary and a George Town accountant served for awhile when I served. I can honestly say that I don't think any of our views were clouded in any shape or form.

The franchise given to CUC by the Executive Council of 1984 - 1988 gives CUC the authority to do what it is doing and no government representative on that board can change anything. CUC has its budget—they set it up, they have a majority of their members (not government members, not government representatives, but their members, people who own shares in that company) sit as a majority on that board and they pass their budget and government cannot do anything about it. I believe that the first time reports were ever made to government was when the Deputy Financial Secretary, the George Town accountant, and I sat together as a team. The very first time!

Since the inception of CUC they have had government's representatives, but that was the first time since 1993 that government had reported back. There is nothing that can be done and the people of these islands need to be told that. That is the way it is. The only way to do something about it is for this country to take CUC to court like other countries. That is the only way. And who has the [guts] to do that!

That is the way it is and the people need to understand that. Standing in this House or anywhere else and saying that something needs to be done . . . I am not telling them that there is a franchise and they have this clause in that franchise that gives them permission to make 15 percent. Government cannot change that unless government is willing to take them to court. I knew of one audit (I don't know how much has been done since that), but certainly it needs to be done and the country needs to be told that it is done and the country needs to be told its findings.

Now, whether the audit can do anything I don't know. Maybe that will have to go through arbitration too in court. But I have always supported the public utilities

commission. I believe that there needs to be one because we are not a small country anymore. We have the Water Authority, we have Cayman Water Company, we have Cable & Wireless, and we have CUC. And there are other companies providing services to the public that probably a public utilities commission would do good to look at.

What is going to be important is whom you put on that public utilities commission. That is what is going to be important—the technical advice that government can get and that government would need.

Mr. Speaker, I don't think that I can say anymore about that because the truth is some government . . . and let no one say otherwise or believe otherwise or that we are trying to say otherwise . . . but CUC provides the best service, and this country is serviced better than any other country in our region. It is a well run public utility company that provides a good service. But it is costly, and I do believe that government can do something and they need to sit down with these people and say, *'Look, it is really getting to a point where the public cannot take any more pressure. How do you work this out?'*

Is it that they buy a lot of new machinery when it could have lasted longer or could be more compatible in this hemisphere? Instead of having five or six different engines that are incompatible (and that is the reason why the cost keep going up) . . . is it that they have to buy a new fleet of vehicles every year? These are things that they may need to sit down and look at with CUC.

I am not here to say yea or nay, because I don't know. But I believe that somebody needs to sit down with them and try to get to that point, short of going to court, and if they have to, well, I would hope that the management of CUC which has good business sense would see otherwise.

Now, our people are pressured on every front. Their mortgage payments have increased. Insurance on apartments and homes has increased. School fees have increased. The lending institutions in this country give loans that cannot be paid by some time. Many young women, single people, far too many are getting into trouble with their loans and end up before the courts sometimes.

Some people are not looking at the social fallout from all that is happening, but it is a fact. For instance, gas rates have increased. I will give you an example where a Toyota that took \$23 to fill up is now taking \$35—a \$12 increase. Insurance, which was \$143 for a single person, rose to \$163.

Mr. Speaker, costs have to be recuperated and being a businessman, you know that. I know that. But I believe that government has to get to the point where it looks at everything their cost impacts in this country. I would like to believe that government could sit down with people in the financial industry and business people in general—they have the support of the Chamber of Commerce. They do anything they tell them to do! They should sit down with these people and look at how government cost is affecting their cost and then work from that position to see what could be done.

Of course, to ensure that there will have to be a reduction in import duties passed on to the consumer. I believe that government has to get to that point. They need to sit down with the businesses in this country to see how cost is affecting them.

I believe that there is greediness. And I believe that has to be stopped, because if it is not stopped we will have social chaos. The stress level is so high and the pressure is so great now in these islands that when you listen to what our people are saying nearly all reason has begun to go out the door. You cannot reason with people sometimes because the stress level is so high. The people of these islands deserve some relief in the things that pressure them, and I am glad that the Financial Secretary . . . if I was ever glad about a motion being accepted it would be this one.

I believe that the Financial Secretary is not playing any politics. He is going to do what he said he will do.

I thank members for their contribution. I thank the Financial Secretary for his solid contribution and I thank the member for North Side for her interest and input in this motion.

**The Speaker:** I am awaiting a quorum.

I shall now put the question on Private Member's Motion No. 11/00, entitled In-depth Discussion on Increased Interest and Electrical Rates. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The motion is passed.

**AGREED: PRIVATE MEMBER'S MOTION NO. 11/00 PASSED.**

**The Speaker:** Moving on to Private Member's Motion No. 7/00 entitled Exgratia Payment Beneficiaries, to be moved by the First Elected Member for West Bay.

## **PRIVATE MEMBER'S MOTION NO. 7/00**

### **EXGRATIA PAYMENT BENEFICIARIES**

**Mr. W. McKeeva Bush:** I beg to move Private Member's Motion No. 7/00 standing in my name which reads as follows:

**"WHEREAS Government often grants exgratia payment to persons who have worked in the public service but who did not put in sufficient time to qualify as permanent and pensionable;**

**BE IT RESOLVED THAT Government consider amending its policy that the spouse of exgratia payment recipients be the beneficiary should the recipient pass away."**

**The Speaker:** Do we have a seconder?

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I beg leave of the House to second this motion. Thank you.

**The Speaker:** Private Member's Motion No. 7/00 entitled Exgratia Payments Beneficiaries has been duly moved and seconded. First Elected Member for West Bay, do you wish to speak to it?

**Mr. W. McKeeva Bush:** I will be brief on this aspect. As you know I have circulated an amendment to the motion and I don't know whether you want me to take that—how do you want the amendment done?

**The Speaker:** I would prefer you move the amendment and let's debate the motion as amended if the House has no objection.

### **AMENDMENT (NO. 1) TO PRIVATE MEMBER'S MOTION NO. 7/00**

**Mr. W. McKeeva Bush:** In accordance with the provision of Standing Order 25 (1) and having circulated the amendment, I beg to move that the motion be amended: (1) by amending the title to read "*Exgratia payments and other benefits*"; (2) by inserting the following five whereas clauses:

*"AND WHEREAS Government increased the cost of burial vaults from \$600 to \$1,200;*

*"AND WHEREAS the cost of other funeral expenses are high;*

*"AND WHEREAS medical cost overseas runs high;*

*"AND WHEREAS Government grants free medical to some elderly at our local Hospital;*

*"AND WHEREAS medical care for our elderly who are sent overseas by Government is not free;*

and (3) by inserting the following three resolve clauses:

*"AND BE IT NOW THEREFORE RESOLVED THAT Government consider granting \$2,500 towards funeral expenses for our elderly who are not working and for veteran seamen and veterans as needed and find ways and means to offset the cost;*

*"AND BE IT NOW FURTHER RESOLVED THAT Government finds a way of reducing the cost for overseas medical expenses for the handicapped, elderly persons of 60 years of age and over, veteran seamen and veterans who are in need of overseas medical attention;*

*"AND BE IT NOW FURTHER RESOLVED THAT, because of the high cost of living brought about by increased electrical and interest rates and other costs, financial assistance be increased as needed to veteran seamen and veterans, the handicapped, sick or elderly persons 60 years of age and over or those who are otherwise medically unfit to work."*

**The Speaker:** Do you have a seconder?

The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I am pleased to second the motion.

**The Speaker:** The amendment to Private Member's Motion NO. 7/00 has been duly moved. Do you wish to speak to it? The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I will deal with both matters at one time.

The substantive motion simply deals with the spouses of those persons who have worked for years in the public service but were not able to qualify to get a pension. Government offers them some exgratia payment, I think it amount to \$200 - \$300 per month in most instances. I don't think it goes any further than that. That payment does not extend to the spouse after the person has passed away, and I am asking government to consider giving that spouse the exgratia payment. That is one.

Mr. Speaker, as I said, the cost of burying a loved one today is not cheap. I would think that by the time you pay for your vault and buy a decent casket, it probably amounts to \$5,000—and that is not an expensive casket. Social Services offer assistance, but I don't think they go up to this amount.

Medical costs overseas run high. The fact is that most of our elderly and veterans who qualify can get their medical free at the George Town Hospital. The problem that is being experienced by many of our elderly people is when they have to go overseas. This amounts to \$30,000 - \$40,000, and the fact that they have to sign so many forms in the first instance aggravates an elderly person who is sick and sometimes dying.

I had to go and sign documents as a Justice of the Peace and that is the last time I saw that person alive because he died, and the bill ended up to be \$30,000 to \$40,000. I am asking government to find a way to offset that cost—reducing the cost for the overseas medical expenses.

I note that the Third Elected Member for Bodden Town and others have talked about insurance, and perhaps this is a way it can be done. I don't know if insurance for both things could be done. At the present time, there is no insurance in place and people are in need. My policy has always been that if I found someone in need I must address that problem as soon as possible. I would hope that government would take these matters into consideration.

Our people at that age level . . . and I am not asking them to stop and give it to them. They must qualify for it. I am all for giving because these people have built this country—I say that often and there is no other way to put it—they built it so that we could live in the fine houses that we have. They started from way back when down in the days of National Bulk Carriers, Swan Island, and the rest of it, the Mosquito Keys. Those people went off and sent their money home to raise their children. Everybody benefited from it. There was no other money coming into the island.

Mr. Speaker, the next resolve section asks for government to consider an increase because of the high cost and for financial assistance. Now, that is not new for me

because I have worked hard on that aspect before. Again, this is not just giving anyone—they will qualify for it.

I am asking the House to take these matters into consideration. Take them as they are and don't read anything else into it. Thank you, Mr. Speaker.

**The Speaker:** The floor is open for debate on the amendment to Private Member's Motion No. 7/00. Does any Honourable member wish to speak? The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker. I rise to offer government's support on this amended motion, Exgratia payments and other benefits and their beneficiaries. It's a very timely motion. We, as Parliamentarians, know that the category of people we are dealing with are people that we need to try to help as much and whenever possible we can.

In the original motion we did—

**The Speaker:** Honourable minister, if I could interrupt you for a moment. We are presently debating the amendment to this Private Member's Motion No. 7/00. We have to take a vote on it before it can be a part of the motion.

Does any other member wish to speak on the amendment?

I shall put the question that Private Member's Motion No. 7/00 be amended as the amendment has been circulated. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The amendment is passed.

**AGREED: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 7/00 PASSED.**

**The Speaker:** Private Member's Motion No. 7/00 as amended is now opened for debate. The First Elected Member for West Bay do you want to speak to the motion as amended?

**Mr. W. McKeeva Bush:** No, Mr. Speaker, I am going to keep my mouth shut. I am hearing good things so I am going to hold tight.

**The Speaker:** I thank you.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** I hope the third time is a charm, Mr. Speaker. *[Laughter]*

**The Speaker:** I apologise.

**Hon. Anthony S. Eden:** I also apologise for pre-empting before the vote was taken. I just assumed by the way everything was going that it was going to be a positive vote anyway.

As I said earlier, government supports this motion. In reference to the first section, "**BE IT RESOLVED THAT Government consider amending its policy that the spouse of exgratia payment recipients be the beneficiary should the recipient pass away;**" we feel that in the statement issued sometime last month by the Honourable Minister of Tourism, that this will be taken care of. He is not here, but I have tried to get the actual wording of what he said. Consideration will be given to look at that.

**Mr. W. McKeeva Bush:** *[Inaudible comment]*

**Hon. Anthony S. Eden:** Also, in regard to the funeral expenses, we know that the Third Elected Member for Bodden Town has spoken about this. In further discussions with the Superintendent of Health Insurance at the Monetary Authority, I asked him to go back and talk to the insurers about whether we can add a dollar or two to the monthly premium which eventually would cover these instances. I feel in the meantime, as the Honourable First Elected Member for West Bay has said, this can be looked at as needed.

For the rest of this year there may be some supplementary funding needed for this in case this vote runs out, but I feel that this House is willing to support that.

On the second resolve on the amended motion in regard to overseas medical expenses, I am pleased to say that the ministry has drafted in the last couple of weeks, a paper to go to Executive Council to see how best we can deal with these people who are at the present limited in provision of health care on the island, whether it be at the George Town Hospital or Faith Hospital in Cayman Brac. Once that is approved, I will be bringing this information back to the Legislative Assembly to share what we plan to do with that.

We are, as you know, responsible to this group of people on the island. As the member moving this motion pointed out, some of these costs can be significant. So we need to provide the protection for them and we are hoping that possibly through government's insurance provider we can work something out with them on this. But as I said earlier on, we are considering this now, and hopefully in a couple of weeks I can take this paper to Executive Council.

On the last resolve in regard to the financial assistance to the veteran seamen, veterans, the handicapped, the sick or elderly, once again this is based on need as the member said. I am not sure what provision the Financial Secretary has there. If the consideration is given, once again, we may have to ask for supplementary funds but, as the mover said, we try to help our Caymanians whenever they are in need.

I would like to commend both the mover and the seconder [of the original motion], and the seconder of the amendment for bringing this. Government will certainly

be giving due consideration. Once all of these areas are ironed out, we can probably come together and see how best to serve this and to share with the public how it will be handled. Thank you.

**The Speaker:** The floor is open for debate. Does any other member wish to speak? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I would just like to lend my support to the motion and the amendment and to explain something which I noticed was not clearly understood sometime ago when the question was asked. It has to do with the whole business of the burial insurance, as it is called.

When I referred to burial insurance what I am referring to is a specific insurance policy that covers burial expenses. The way it works is that subscribers would pay I think in some cases it amounts to about \$5 extra per month onto either the regular health insurance policy or you can get special and exclusive burial insurance. Here is what happens: Upon the passing of a person, the insurance company would take care of all the burial expenses, that is, the casket, preparation and actual expenses up to the interment. The money is forthcoming upon the issuance of a death certificate. So, when the death certificate is issued, the insurance company then cuts a cheque to cover the burial expenses.

I am saying that it would be good if the government could explore the possibilities of adding that clause on to the current health providers. Many people find it difficult, particularly in cases where the death may be something unexpected. It is also of importance to note that funerals in this country are not inexpensive, and I noticed that more and more persons in many cases have to rely upon the Social Services Department. If the government could explore this possibility, I think it would certainly put families in a position where they could retain some dignity and also ease the burden of the Social Services Department.

It is also important to remark that the state has a moral obligation to see that none of its citizens—particularly those persons who have diligently laboured at a time when salaries and wages were far less significant than they are now—pass their golden years in poverty and indignity. While it is important for us to keep track of our expenses and the commitments of the government, I don't think there is anyone so heartless to allow our elderly to suffer in poverty and indignity in their old age.

Regarding the extending of the exgratia payments to the surviving spouse, this is only natural. I am happy that the government could see fit to consider this.

So, there is no necessity to prolong this debate. The government has graciously accepted to look into the request, and I would hope that something could be done towards the provision of some form of burial expenses that would give me a great satisfaction. Thank you.

**The Speaker:** The floor is open for debate. Does any other member wish to speak? The Honourable Minister

for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** I am happy to be able to lend my support to Private Member's Motion No. 7/00 entitled exgratia payment beneficiaries. If I may briefly deal with the first resolve, and just to add to what my colleague, the Honourable Minister of Health, said, government last month actually put this policy into being which goes hand in hand with the motion. So, this is one policy that the First Elected Member for West Bay can say that he got a quick response to. Before it actually came to a vote the government was able to go along with the policy he was desirous of seeing coming into existence.

I am happy that both sides can agree on this policy. As it relates to the elderly, we all know that the women in particular are often times the longest survivors and having become accustomed to the supplement financial income of her husband, in most cases in the form of exgratia payment, she is often faced with very dire financial circumstances with the sudden loss of this payment. So, I am happy to see that the government has put this in motion and I look forward to the immediate implementation subject, of course, to funds being allocated either by supplementary funding or by setting off in the already existing financial provisions.

With regard to the second resolve, I am also happy to accept and concur with this request.

Government found it necessary some time ago (through the Minister of Communication) to up the cost for the vaults in that we found that the original cost (\$600) needed to be increased to \$1,200. Based on the papers, if my memory serves me right, this would reflect the actual cost of constructing the vaults. Having had to recently pay for funeral expense myself, I know that it is a very expensive exercise having to buy a decent coffin. As Caymanians are extremely proud in that regard and when you come to a funeral it is very difficult to distinguish what level of social stratification that one may come from because sometimes it seems that the poorer person has the more elaborate funeral. I believe that is a tradition that we would not be prudent in trying to break but we would assist wherever necessary and as the need arises.

Perhaps the First Elected member for West Bay may wish to look at the resolve where it speaks about granting \$2,500 and consider whether or not he wishes government to consider that being a minimum rather than a ceiling. When taken into consideration the expensive cost of the vaults which range usually from \$2,000 to as much as \$6,000 to \$8,000, and this is just a suggestion as it is his substantive motion, but anything that we can give that will help these categories of persons as the First Elected Member for West Bay has put and the seconder in his motion, I think would be very beneficial.

These categories, of course, would be extremely grateful for anything that government—meaning all elected members—would do in this regard.

Mr. Speaker, with the other resolve section which requests government to find a way of reducing the cost for overseas medical expenses for a number of these categories namely the handicapped, the elderly, persons of 60 years of age and over, the veteran seamen and veterans who are in need of overseas medical attention is again another area delving within the social conscience of any government or elected representatives, I believe that the intention of this resolve is quite good. I am also happy to associate my support in this regard as these persons find it very difficult to pay the high and increasing cost of overseas medical. I believe that government can and will sit down once again at how we can alleviate these expenses to the best interest of the persons requesting such assistance.

Finally, the last resolve, which reads as follows: **“AND BE IT NOW FURTHER RESOLVED THAT, because of the high cost of living brought about by increased electrical and interest rates and other costs, financial assistance be increased as needed . . .”** These are the operative words **“as needed to veteran seamen and veterans, the handicapped, sick or elderly persons 60 years of age and over or those who are otherwise medically unfit to work.”**

I would agree with the First Elected Member for West Bay and the seconder that there have been increased expenses as he mentioned earlier through the increase of mortgage rates and other costs of living expenses. The persons that perhaps feel that the quickest and the hardest are the persons who are listed out in these categories.

I also agree with him when he states quite emphatically that these persons have made a substantial contribution to the building of our social, economic, and moral fabric with the Cayman Islands. Now that we are in a position to actually say thank you, albeit by a nominal financial contribution, I believe that it is our duty to do so. I would like to thank the First Elected Member for West Bay and the seconder for their vision in bringing a socially oriented motion to this honourable House.

There is an apparent loophole, if I may resort to such terminology, as it relates to seamen and veterans. Yes, they do receive free medical as I understand it at the Faith Hospital and the George Town Hospital, but not as it relates to overseas. My honourable colleague, the Minister of Health, has given us his assurances and I have actually seen the draft paper to Executive Council whereby this would be rectified, and that those persons would no longer find themselves in a position where they need overseas medical expertise but cannot afford it.

I believe that this must be remedied as quickly as possibly. As the First Elected Member for West Bay said, especially the veteran seamen and the veterans they have paid a very high price for liberty and freedom within our country. If there is a time in their lives that they would need medical assistance it would be when they are at such a serious condition that they cannot be attended to at our facility here and there is a necessity for them to go overseas. So, I believe that this is a very significant and



important resolve, and I am happy to give my full agreement to this.

I would look forward to the quick and expeditious passing of this paper by my Honourable colleague in Executive Council and for the necessary and appropriate funding to be put in place post haste so that the veteran seamen, veterans and other categories, as have already been alluded to, can be assisted. I believe that in so doing we would have done a very important and reciprocal contribution to persons to whom have made our lives as affluent and as comfortable as we now enjoy it today.

With those remarks I give these resolves and indeed the entire motion my full support.

**The Speaker:** Does any other member wish to speak?

If not, does the mover wish to exercise his right of reply? The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I am glad that government has agreed to the amended motion. I think all of us (and it would be unfair to say otherwise) in this House recognise that the old people in this country who can hardly make it have left us a good legacy. When I am saying "us" I don't mean just members of this House but the entire country. We owe them a debt of gratitude that we could never repay.

These expenses are not increasing expenses, our old people are moving on to eternity fast and these are not expenses that are increasing, they are decreasing. Just yesterday on my way from church a good friend of mine, an old seaman who has worked hard, no problem to anyone, raised his family well and did his part when this country needed funds, passed away. These are the kinds of people we are looking to help. They are moving on fast and we ask: does the country owe them anything? Of course, the country owes them. Why would anyone feel that we don't? These people are the people that we need to pay more attention to.

The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture raised a good point and I would ask that on the first resolve of the amendment that would be a minimum. Also, these resolutions must include what we call seamen. They might not have gone to war and faced that kind of battle, but I say they must be in need. That is what the motion says.

I don't know how many people are going to have a problem with that, but I can only speak my mind and what I say in this House comes from my heart. People can vote the way they want.

I don't have much more to add than to say that in regard to what one minister had said on television, we put the motion first and the minister quickly came afterwards and agreed. I don't know what caused such a response so quickly—it might have been the season that we are in, who knows. However, I am glad that they have accepted the motion. That is the key—that these matters will be addressed. They are not just upping and giving anyone anything, they have to go and do it properly and these elderly will get.

I will ask the Minister responsible for Social Services to take a quick look at what is happening. I know on the question the other day he said that they had several applications that needed attendance. I hope that we can get a quicker response from the department. I know that they have their hands full, and I would ask the minister to look at how we can get a quicker response from the department.

I would like to thank government for accepting the resolves and the minister having brought to our attention the matter of the minimum or maximum . . . out of an abundance of caution I would ask the House if they would consider the words, "*a minimum*" in that particular section after the word "granting".

**The Speaker:** I think if the minister accepts it we can use it as an typographical error and just include it, if that is agreeable with the House.

**Mr. W. McKeeva Bush:** Mr. Speaker, she prefers to have an amendment and if you would—

**The Speaker:** You move the motion and we will put it to the vote.

#### AMENDMENT (NO. 2) TO PRIVATE MEMBER'S MOTION NO. 7/00

**Mr. W. McKeeva Bush:** Under the relevant Standing Order I move to amend the motion in the first resolve by adding the words "*a minimum of*" which would be "*a minimum of \$2,500*" after the word "granting".

**The Speaker:** Do we have a seconder?

**Hon. Julianna O'Connor-Connolly:** I am happy to second that most important amendment to that resolve.

**The Speaker:** The motion has been made and seconded that the word "*a minimum of*" be inserted in the resolve section which reads "AND BE IT NOW THEREFORE RESOLVED THAT Government consider granting a minimum of \$2,500 towards funeral expenses for our elderly who are not working and for veteran seamen and veterans as needed and find ways and means to offset the cost."

Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The amendment stands.

**AGREED: AMENDMENT NO. 2 TO PRIVATE MEMBER'S MOTION NO. 7/00 PASSED.**

**The Speaker:** The First Elected Member for West Bay, have you concluded your winding-up?

**Mr. W. McKeeva Bush:** Mr. Speaker, if you could just give me a minute—

Certainly this would take it to mean that government would deal with anyone who is in need.

**The Speaker:** That is the operative word, “need.”

**Mr. W. McKeeva Bush:** That would have to be taken.

Mr. Speaker, I think that the question that was being asked is answered and I have no more to add to it.

**The Speaker:** I shall now put the question on Private Member's Motion No. 7/00 as twice amended and whose amended title now reads, Exgratia Payments and Other Benefits. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The motion is passed.

**AGREED: PRIVATE MEMBER'S MOTION NO. 7/00 AS TWICE AMENDED PASSED.**

**The Speaker:** Moving on to Private Member's Motion No. 9/00 entitled Retirement Pay for Senior Citizen Employees, the Third Elected Member for West Bay.

## **PRIVATE MEMBER'S MOTION NO. 9/00**

### **RETIREMENT PAY FOR SENIOR CITIZEN EMPLOYEES**

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker, I am pleased to move Private Member's Motion No. 9/00 entitled Retirement Pay for Senior Citizen Employees which read as follows:

**“WHEREAS many of our Caymanian people employed in the job market, especially in the hospitality industry, are over 60 years of age;**

**“AND WHEREAS the recently introduced Health Insurance Law, 1999, and the National Pensions Law (Law 10/96) (1998 Revision) did not positively affect these employees;**

**AND WHEREAS at present there are no provisions under the Labour Law for the voluntary retirement of these senior citizens with any benefits;**

**“BE IT NOW THEREFORE RESOLVED THAT Government consider amending Part V of the Labour Law to accommodate: (i) The voluntary retirement of employees who have worked a minimum of 5 years and reached 65 years of age with a retirement entitlement of one week's wages at the employees latest basic wage, for each twelve month period of his employment with his employer; and (ii) in case of part-time employees, their retirement entitlement shall be calculated on the basis of the ratio that their actual hours of employment bear to the standard work week.”**

**The Speaker:** Do we have a seconder?

**Dr. Frank McField:** Mr. Speaker, I second that motion.

**The Speaker:** Private Member's Motion No. 9/00 has been duly moved and seconded. Does the mover wish to speak to it?

The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Let me first of all thank the honourable ministers responsible for the moving of the two pieces of national legislation we mentioned, that is, the National Pensions Law and the Health Insurance Law. I think that both of those pieces of legislation were very important and have proved to be a decision that is in the best interest of our people in this country.

I would also add that it is unfortunate that with respect especially to the Pensions Law that piece of legislation did not come into effect prior to just a year or so ago. As a result of the delay and implementing such a very important piece of legislation, many of our people have been disenfranchised with regard to earning some type of retirement in this country.

The fact of the matter is that the National Pension Law only applies to those employees between the ages of 18 and 60 years of age. The Health Insurance Law, even though there is no age limit associated with it we are aware that senior citizens have a very difficult time getting the necessary health insurance coverage. Some have it and some don't have it because of ill health or because of their age.

The reason why I brought this private member's motion is that it has been brought to my attention that a lot of people—especially those who are employed in the hospitality industry at the hotels and condos—were not positively affected by the National Pensions Law. They are over the age of 60 and because of that, they were not obligated to contribute toward a pension.

The sad fact is that many of these employees have been at the condominiums and hotels for the past 10 - 20 years. They are now reaching their golden years of 65 and 70, and they will walk away at present with no type of benefit, no type of severance package unless they are fired or their employment or positions are made redundant by their employers.

The other sad fact is that presently the employers are not keen on terminating their employment even though many of them have reached the age where they can contribute very little to the job that they are employed to do. But in order to avoid making severance payment to these employees and saying, “*thank you for your time and service, I would like to voluntarily retire you*” and you pick up your twelve weeks of severance pay, the sad fact is many of these employees will work until they drop and the employer will not force them to retire to avoid making that particular payment.

Section 5 of the Labour Law deals with severance pay. I am asking that that particular portion of the Labour Law be amended so that an employee who is not affected by the National Pensions Law, once they have

worked at least a minimum of five years and have reached the age of 65 years, they will be in a position where they can say, *'I have worked long enough. I want to be able to enjoy some of my golden years and I would like to exercise my option of retiring on a voluntarily basis'*.

I am calling for that particular section to be amended to entitle that employee who voluntarily decides to retire to one week's wages at their latest wage rate for every year that they have spent in the employment of that particular establishment.

Now, it is important to remember that many of these persons who will be affected by this particular proposal are former seamen who have reached their retirement age of 65 or 70 years of age. It also involves a lot of our women, mothers who were responsible for staying at home and taking care of the family while their husbands, sons and brothers were at sea earning a living. I believe that this country has a moral obligation to take care of these senior citizens because of the contribution they made to the prosperity we enjoy.

I believe it is only fair for these senior citizens to be able to maintain some dignity and respect in their golden years. I believe that this is a step in the right direction. I believe it is a very positive gesture that will be welcomed by all those persons who presently are not entitled to a pension. I believe it is something that not only government but the private sector as a whole owes to our senior citizens who have given us so many of their years of hard work and honest labour.

I commend the motion and I trust that government will see fit to accept the motion in the vein in which it is given. Thank you.

**The Speaker:** We shall suspend proceedings for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 4.07 PM

#### PROCEEDINGS RESUMED AT 4.37 PM

**The Speaker:** Please be seated. Proceedings are resumed. We have passed the hour of 4.30 p.m. I would appreciate a motion to suspend Standing Orders or to adjourn. The Honourable Minister for Education, Aviation and Planning.

#### SUSPENSION OF STANDING ORDER 10(2)

**Hon. Truman M. Boddén:** Mr. Speaker, I move the suspension of the relevant Standing Order for the House to continue until 7.00 p.m.

**The Speaker:** The question is that under Standing Order 86 we suspend Standing Order 10(2) in order that we can continue until 7.00 p.m. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

#### AGREED: STANDING ORDER 10(2) SUSPENDED TO ALLOW THE HOUSE TO CONTINUE BEYOND THE HOUR OF 4.30 P.M.

**The Speaker:** Continuation of debate on Private Member's Motion No. 9/00. The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I have a few amendments that are being typed. It is being printed right now so probably another two or three minutes we will have it to circulate.

**The Speaker:** We will await the arrival of the amended amendment. The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** I was wondering whether perhaps we could do a quick adjournment so the government would have an opportunity to peruse the amendment. Perhaps, we could save some precious time of the House if that were done.

**The Speaker:** That is a good idea. The House will suspend for ten minutes.

#### PROCEEDINGS SUSPENDED AT 4.40 PM

#### PROCEEDINGS RESUMED AT 5.02 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate continuing on Private Member's Motion No. 9/00. The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I consulted with some of my colleagues and some very important amendments were proposed. I would like to move them at this stage. I trust that you will waive the two days' notice.

**The Speaker:** I will waive the two days' notice. Please continue.

#### AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 9/00

**Mr. John D. Jefferson, Jr.:** Thank you, sir.

In accordance with the provisions of Standing Order 25(1) and (2), I, the Third Elected Member for West Bay, seek to move the following amendments to Private Member's Motion No. 9/00 as follows: In paragraph (i) of the resolve section: (1) by inserting "*and/or resignation*" after the word retirement; (2) by deleting "*of five years*" and inserting "*of one year and does not qualify for a pension entitlement under the Pensions Law (1999 Revision)*"; and (3) by deleting "*and reached 65 years of age*".

**The Speaker:** Do you have a seconder?  
The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I second the motion.

**The Speaker:** The amendment to Private Member's Motion No. 9/00 has been duly moved and seconded. Do you wish to speak to it?

**Mr. John D. Jefferson, Jr.:** Yes, just briefly, Mr. Speaker.

The amendment allows not only for voluntary retirement but also the resignation of the employee and it changes the requirement of having to work for a minimum of one year.

It deletes the words "reached 65 years of age" because with the addition of the words "of one year and does not qualify for a pension entitlement under the Pensions Law (1999 Revision)" . . . the Pensions Law covers employees up to 60 years of age so it is unnecessary to add the word "65". Basically, what will happen is that anyone who is over the age of 60 and not caught by the Pensions Law would be entitled to this particular revision under the Labour Law.

Thank you.

**The Speaker:** The floor is open to debate. Does any member wish to speak to it? The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** I rise on behalf of the government in full support of the amendment now before the Honourable House, ably set out by the Third Elected Member from West Bay and duly seconded by the First Elected Member from West Bay. I concur with the comments made.

The government's position is that this would be similar to the provision which is now set out in the Labour Law (1999 Revised), Part V, which deals with severance pay. Just so that the amendment can be put into proper perspective, with your kind permission, if I could briefly refer to that . . . section 41(1) of the Labour Law deals with severance pay by defining persons who are entitled to severance pay; and, secondly, by setting out the computation of the said severance pay.

If the employee is fired and/or terminated for reasons other than a dismissal (as set out in section 49 and the relevant provisions thereunder), then in such a case section 41(1) kicks in, which reads as follows: "**Severance pay shall consist of one week's wages, at the employee's latest basic wage, for each completed twelve month period of his employment with his employer and any predecessor-employer, subject to a maximum of twelve weeks' pay.**"

I believe the intention of the amendment is to involve parity and equity for persons who are not in the category of constructive dismissal, where they have no option but to move into forced retirement, who do not have the choice of voluntarily resignation, and are not entitled to pensions benefits as set out into the Pensions Law (1999 Revision). As I understand it, this would seek

to create a level playing ground so that persons in this category not entitled to pension benefits would now get these benefits subject to these amendments being approved today before this Honourable House.

With those brief remarks, I am happy to accept the amendment on behalf of government.

**The Speaker:** Does any other member wish to speak?

The floor is open to debate. The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I want to debate the whole motion.

**The Speaker:** Well, I have to put the question first.

**Mr. W. McKeeva Bush:** Okay, I will debate the motion as amended then.

**The Speaker:** Does any other member wish to speak to the amendment? The Elected Member for North Side.

**Mrs. Edna Moyle:** Mr. Speaker, I will be very brief but I am a little bit confused with the amendment and I am sure the mover will be able to clear this up.

If I am reading this amendment correctly with the body of the motion, it says, "**The voluntary retirement and/or resignation of employees who have worked a minimum of one year and do not qualify for a pension entitlement under the Pensions Law (1999 Revision) with a retirement entitlement of one week's wages**". . . Mr. Speaker, I am just a little bit confused.

Are we saying that if someone works for one year and resigns his job that the employer should pay him for each twelve-month period that he had been employed at the latest basic wage? I would just like to get a little clarification on that. I am sure that the mover of this amendment is quite capable of explaining that.

**The Speaker:** Does any other member wish to speak to Private Member's Motion No. 9/00? If not, does the mover wish to exercise his right of reply? The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Just to thank members for their support.

**The Speaker:** I shall now put the question on the amendment to Private Member's Motion No. 9/00 as circulated to all members. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The amendment is passed.

**AGREED: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 9/00 PASSED.**

**The Speaker:** The floor is now open to debate on Private Member's Motion No. 9/00 as amended.

The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, I have already made my presentation. I have moved the amendment, so I am prepared to let other members speak before I have a chance to wind-up.

**The Speaker:** The floor is open to debate, does any member wish to speak to Private Member's Motion No. 9/00 as amended?

The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** The amendment and the motion before us are not to be taken lightly. I am not against them because I support what they are attempting to do.

I know of people who worked in offices for 10 - 20 years and they had to leave their jobs—not because they did anything illegal; they just could not get along and it could not be resolved and they were entitled to nothing. This section I believe is the right way to go, asking for the law to be amended.

It brings back to mind the year 1995. I hold in my hands a set of amendments, a draft law, tabled by myself on 24 March 1995. I recall the pounding I took from the business community on this same exact amendment. That was attempting to amend section 36(1) by repealing the words “one week's wages” and substituting the words “one month's wages”.

If the House recalls, we had no pensions and no one wanted any pensions. We put that amendment in and put it deliberately high with the hope of getting, at least, two weeks. Then we repealed also the words “the law subject to a maximum of twelve weeks” as it is today, which would have given the employee two weeks severance pay for each year he worked.

I will never forget how they came down on me like a ton of bricks. They banded together and called a meeting at the Grand Pavilion. I remember going to that meeting, and I can tell you of the hostility that existed because no one, except the working person, of course, was for it. My colleagues on the National Team did not support it other than the Elected Member for North Side at the time . . . I guess because of the feedback they were getting, to be fair to them.

I will never forget that because I was told all sorts of things—personal things—letters were written to me because my mother had worked in the hotel industry and all sorts of personal things were said to me. The Chamber of Commerce had more comments and did more surveys and every day they came back to say how unpopular the Minister of Community Development was and what people were saying about me and my position in the country. I will never forget sir.

Those were hard times, but how many persons had to leave work between 1995 and now without getting any severance pay—ladies working in offices for 25 years. It did not just extend to the hotel industry.

Mr. Speaker, that is how I got the agreement on pension legislation. And if I had not attempted to do that . . . I remember saying to them down at the Grand Pavilion, “If you don't want this do you support pension legislation? You have to get one of the two.” I had to amend this but they agreed to pension legislation. I had to amend this Bill that I hold in my hand because, of course, I did not have the support to put it through because of the pressures from certain sectors of the community. I will never forget it.

There were editorials, letters, telephone calls and threats, simply because I said let's do the same thing that the House is doing today. I am glad that we can get to that point because we have people who are of age and have worked many years in institutions, various places of business, but if they leave they cannot get anything.

One of the things that was promised to me at the Grand Pavilion was that when we introduced the pension legislation they would take care of these people somehow. That was one of the things promised to me. You see, that group was too old to qualify for any pension. They would not be able to get any pension but what some employers said to me was ‘*We will take care of them. We will give them substantial payment when they have to leave.*’ Some of them have left and have gotten nothing and some are still working . . . dragging, you would have to say, to work.

So, Mr. Speaker, I am glad that I had the foresight to do so and I am glad today after five years that it has come back and the government . . . some of them have seen the folly of their way and have agreed to support this legislation. One of them said, “It must be election year!” *[Laughter]*

I am happy! I have no more to add. This is needed.

**The Speaker:** The floor is open to debate, does any other member wish to speak to Private Member's Motion No. 9/00 as amended? If not, would the mover wish to exercise his right of reply?

The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I want to say thanks to the First Elected Member for West Bay for his comments. I might just add that I am aware of the efforts that he put in to improve the Labour Law in an effort to benefit the average working person in this country. Like me, he is a people's person.

I want to say that I am very pleased that government has chosen to accept this motion. I have every confidence in the Minister for Community Development and Labour, and I look forward to this being done. The Minister has assured me that she is going to try to get the law amended and brought back here before her team in office comes to an end. I appreciate that very much and I want to say that I appreciate the opportunity of bringing this particular piece of legislation on behalf of the people of this country. Thank you.

**The Speaker:** I shall now put the question on Private Member's Motion No. 9/00, as amended, entitled Retirement pay for Senior Citizen Employees. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The motion is passed.

**AGREED: PRIVATE MEMBER'S MOTION NO. 9/00 AS AMENDED PASSED.**

**The Speaker:** Moving on to Private Member's Motion No. 10/00 entitled Establishment of a Safe House for Battered Women and Children, to be moved by the Second Elected Member for Bodden Town.

## **PRIVATE MEMBER'S MOTION NO. 10/00**

### **ESTABLISHMENT OF A "SAFE HOUSE" FOR BATTERED WOMEN AND CHILDREN**

**Miss Heather D. Bodden:** Thank you, Mr. Speaker.

I beg to move Private Member's Motion No. 10/00 entitled Establishment of a Safe House for Battered Women and Children and it reads:

**"WHEREAS the Police and Social Services' reports clearly show the urgent need of a Safe House for battered women and children in the Cayman Islands;**

**"AND WHEREAS press reports confirm an increase in the numbers of crimes being committed in the community; namely murder and wounding;**

**"AND WHEREAS women and children are subjected to living in endangered homes;**

**"BE IT THEREFORE RESOLVED that the Government, in a combined effort with the community, consider as a major priority the establishment of a Safe House for battered women and children."**

**The Speaker:** Do we have a seconder?  
The Elected Member for North Side.

**Mrs. Edna Moyle:** I beg to second the motion.

**The Speaker:** Private Member's Motion No. 10/00 has been duly moved and seconded. Does the mover wish to speak to it? The Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** In presenting my contribution I would like the public to get an understanding of this growing problem—domestic violence.

To expand on what is involved with the domestic violence encounter, allow me to read the following, taken from a document entitled "Domestic Violence in Latin America and the Caribbean" written by Miss Bridget Candesas, a family therapist.

She writes, "**Domestic violence is a rampant plague. It is also a global and trans-cultural phe-**

**nomenon, which has been the reason for the spread in most countries of the world for centuries and which can still be observed in any country irrespective of culture or religion. Women are the victims in the large majority of cases. It puts women and children in great danger. Many are badly harmed physically and/or psychologically. Some may die or remain permanently handicapped.**

**"Domestic violence can happen to any women, anywhere in the world, in any kind of social or economic background. Being highly educated or having a job is not enough to prevent it, as violent men can be very charming and attractive before becoming batterers. They know very well how to increase their control and restrain the freedom or the self-esteem of their partner.**

**"In the United States, according to the American Medical Association, husbands and boyfriends severely assault about four million women every year. This does not take into account all the ordinary hitting, battering and humiliation never reported by women. One can find the same kind of statistics in all developed and developing countries from India to China, from Iraq to Egypt, from Canada to Australia, where violence to women is the second cause of police intervention. And, in all countries of Latin America, one can see the same problem of battered women."**

Mr. Speaker, I would also like to open with a remainder to everyone here today, and to the listening public, that the issue of domestic violence is the subject of two different action plans in the Cayman Islands National Strategic Plan Vision 2008. Action 5 has its specific result: "**To develop and maintain a specialised domestic violence unit with the Royal Cayman Islands Police Department to deal with domestic violence and family related matters**". There are ten action steps listed to achieve that.

Members will recall that the Elected Member for North Side successfully piloted the motion through this honourable House a while back.

Action Plan 6 has its specific result, "**To develop and maintain a place of safety for victims of domestic violence and their children.**"

Action Step 1, "**Assign responsibility for this objective to the ministry responsible for the welfare of women.**" Action Step 2, "**Recruit a project manager to establish capital and recurrent expenditure and to direct implementation of Step 5.**" Action Step 3, "**Formulate an implementation plan in conjunction with the RCIP for the establishment of a place of safety.**" Action Step 4, "**Identify suitable accommodation already existing or identify institutional zone land for building purposes.**" Action Step 5, "**Develop project outline for approval by Executive Council.**"

Action Step 6, "**Ensure funding by government, by private sector or by the combination of the two.**" Action Step 7, "**Develop the operation proposal for a place of safety to outline day to day activities.**" Action Step 8, "**Recruit appropriate staff to carry out the op-**

**erations of the place of safety.” Action Step 9, “Enact an admissions procedure for the daily operations of the place of safety.” Action Step 10, “Conduct pre-audit and consist reviews of the function of the place of safety to facilitate upgrading and improvement where necessary.”**

Mr. Speaker, this is taken from what is properly known as the People’s Plan. Like other motions I have introduced, this one is in keeping with what the roundtable leaders put forward to reflect the wishes of the people of the Cayman Islands.

Allow me to share a short daily reading taken from a calendar that was given to me by my mother. This was written by Matthew Henry. It reads, **“Woman was taken from man—not out of his head to top him, nor out of his feet to be trampled under foot, but out of his side to be equal to him; under his arm to be protected and near his heart to be loved.”**

Mr. Speaker, my heart is pained by reports and statistics I have received from the Police and Social Services and from women themselves with regard to domestic violence. Almost every day under “Police Report” one reads an article in the newspaper about a woman being brutalised or attacked by an enraged boyfriend or by her husband. Since the start of this year, the police have received hundreds of calls and reports.

In January, a Jamaican woman was stabbed by her partner and died. Police confirmed the daily incidents of domestic violence—horror stories of women being beaten to unconsciousness, kicked and punched in the face, stabbed, strangled with belts, attacked with ice-picks. One shudders to imagine what is next.

Mr. Speaker, the statistics are alarming. The RCIP provided me with figures for several categories of domestic violence in the Cayman Islands for the past three years. Let me just recap the 1999 figures:

|                                          |     |
|------------------------------------------|-----|
| Common assaults                          | 251 |
| Assault occasioning actual bodily harm   | 117 |
| Assault occasioning grievous bodily harm | 3   |
| Wounding                                 | 4   |
| Damage to property                       | 44  |
| Domestic abuse                           | 65  |
| Domestic disputes                        | 393 |

Let me remind everyone that these are only the reported incidents. I also have figures from the Women’s Resource Centre:

31 females and 1 male revealed that they wanted or needed to leave their homes because of abuse and they had nowhere to go and/or they actually left their home because of the abuse;

36 females revealed that their lives have been threatened, that they were experiencing physical abuse and/or needed a restraining order against their husband, ex-husband or a boyfriend;

22 females revealed that they were experiencing mental, emotional, financial and/or sexual abuse.

The Legal Befrienders’ Service (which is housed at the Women’s Resource Centre) is a voluntary group that

provides free legal advice to victims of domestic violence. Last year, they assisted 69 anonymous persons who contacted them with queries for information, and they helped 85 women who attended the Legal Befrienders’ Clinic. These are cases of women who have had the courage to ask for help. Many others are afraid to do so because of the social stigma attached to domestic violence, or, more commonly, because they fear their abuser will find out and make their lives even more hellish.

Where can a desperate woman go to find safety? Where can she turn when chances are the abusive man will find her and lure her back to the violent situation she so urgently needs to escape?

Mr. Speaker, some of the stories are too terrible to tell, as Judge Ramsay-Hale informed the court recently, when she chose not to repeat the horrible details in a case where a man had beaten both his wife and his girlfriend. Stories told by the medical personnel at the hospital emergency room would cause you to be sickened and outraged. I have also heard many stories told firsthand by courageous women who have decided to lift the veil of silence and go public with their stories.

Mr. Speaker, these are only the reported incidents. There is more abuse going on that we never hear about, as women are afraid to report it. The police and counselling services agree that the physical attacks or assaults we read about don’t take into account the many more women who are subjected to psychological terror in their own homes. This may include abusive language, restricted freedom, personal belongings being destroyed while they watch, verbal threats and other actions that destroy self-esteem. Let’s face it, domestic violence has reached crisis proportions in our country. Everyone in the society will have to get involved in some way if we are to turn the situation around.

Mr. Speaker, education is the key. Prevention is crucial but the safety of the victims and their children must be our top priorities. This is why a safe house is so desperately needed here in Cayman. There are victims out there who urgently need a place to go today, tonight—for some it is too late.

Whether a home is created by a single person or by a husband and wife, that home should be a place where a woman and her children feel safe. No one should be made to feel that when they come home from work everyday they are returning to hell. But quite often, that is how abused women describe their lives. The home should be a comfort zone and not a war zone.

Mr. Speaker, there are many models for us to turn to in creating a safe house in our community. There is quite a bit of very interesting public information that is available. A trip to the World Wide Web reveals hundreds of websites of safe houses all over the United States and Canada. They are very well organised and do not reveal the exact location of the safe house but always provide ways to contact them.

Statistics show that many women are at their most vulnerable when they actually try to leave, so the safe house must be secure and in a confidential location.

Many of the safe houses receive funding from government sources, be it county, state, or federal funds. Concerned citizens provide additional resources as well. A good example in Canada is Provincial Association of Transition Houses Saskatchewan (PATHS). Safe houses are often called transitional houses or interval houses.

Mr. Speaker, PATHS lists 20 different safe houses, and their phone numbers and the websites also note that they provide the following services:

- Safe accommodation for the woman and her children.
- Counselling services.
- Trained staff to listen to the woman and provide her with information and options.
- Women often benefit from meeting and discussing their problems with other women staying in the shelter who have had similar experiences.
- When the woman feels ready, staff will assist her in planning for the future. She will be supported and assisted in whatever decision she makes including a decision to return home to her abuser.
- Practical assistance, referrals and advocacy.
- The woman will receive assistance in dealing with her legal, financial, housing and other needs.
- Transportation: This is provided for the woman to appointments and for her children to school.
- Outreach: All shelters attempt to provide services to women who need some help but are not staying at the shelter. The shelters will do their best to provide counselling and information to anyone who calls or drops. Also, on this web page are hyperlinks to abuse help lines.

The Arizona Coalition against Domestic Violence is a non-profit organisation comprised of representatives from domestic violence taskforces in the northern, southern and central regions of Arizona as well as representatives from domestic violence programmes and other concerned individuals and groups.

The coalition has a very large and comprehensive website that provides information about domestic violence and links to dozens of resources where women can turn for help. It also provides tips on how to eliminate evidence of the woman's visit to the website.

The website reveals that the state of Arizona has 29 safe houses, or domestic violence shelters, which in 1998 provided 107,920 nights of emergency shelter to nearly 7,000 women and children. Unfortunately, nearly 17,000 had to be turned away due to lack of space.

Mr. Speaker, the safe house in Denver, Colorado, was established in 1977 and today includes a residential as well outreach services and a comprehensive community education programme. Their mission is described as follows: **"The mission of Safehouse Denver is to prevent domestic violence through education, advocacy and shelter while assisting women and children to develop options for a violence free life.**

**"Safehouse Denver's website makes the statement on his welcome page. Research shows a strong coalition between children and witnessing domestic violence and becoming perpetrators of**

**domestic violence as adults. We must address the violence in our homes in order to address the violence in our streets. Domestic violence is more than a women's issue, it is a community issue."**

Mr. Speaker, in 1997, I (along with the group of 13 other delegates from the Cayman Islands including all of my female colleagues as well as members of the Business and Professional Women's Club) attended a huge international gathering in Washington DC to end the silence against domestic abuse. The delegation was led by Mrs. Joy Basdeo, Permanent Secretary for Education. The programme included lectures, workshops, discussions and something called the "Silent Witness Initiative."

In the Silent Witness Initiative, men and women from all over the US and many other countries marched together in silence from the Washington monument to Capital Hill carrying 15,000 life-sized wooden figures of women who had died as a result of domestic violence.

Mr. Speaker, it was both chilling and moving to watch the families and children of these murdered women walking in total silence, carrying the figures representing the silent witnesses. That sent a message that spoke volumes of words.

As most people know by now, the problem of domestic abuse exists everywhere. A recent article in the *Caymanian Compass* opened with the statement "Domestic violence is a significant problem in the Cayman Islands but the culture of turning a blind eye to it is changing." For years the subject was swept under the carpet or dismissed in whispers as a cultural issue but that behaviour must change. As Hillary Clinton stated during the 1997 Silent Witness Initiative in Washington, DC "Domestic violence is not simply cultural, it is simply criminal."

Today as more and more people have been willing to face the issue with their eyes wide open they have learned about this tragic subject. And this issue crosses all barriers of race, socio-economic status, education and income, and is passed on from one generation to the next which means it is multiplying.

Mr. Speaker, tears fill my eyes when I receive telephone calls late at night and hear women describing the terror they are facing in their own homes where they should be feeling safe and able to create a healthy environment for their children. It's true that men are sometimes the targets of domestic abuse and we must not fail to recognise that fact. Nevertheless, statistics continue to show that 95% of domestic violence is against women and they are more at risk from the men they know. This means that often they are truly trapped and unable to escape repeated violence.

It is also a fact that violence in relationships tends to escalate over time. Many women unable to escape out of fear and humiliation may remain in a violent relationship because of their children or because they don't have enough financial independence to get away. Many women remain in abusive relationships for years, even decades.

The *Caymanian Compass* article that I referred to earlier, went on to quote a local counsellor from Carib-



bean Haven and Outpatient Services, **“Children see their mother as representing safety. Watching her being beaten up or verbally abused can have serious knock-on effects. Children from violent homes imitate this behaviour in their own lives.”**

Mr. Speaker, just to elaborate a bit further on what I have just said, I would again like to read a few paragraphs written by Miss Bridget Candesas, the family therapist, and what she had to say with regard to domestic violence learned at home. She writes, **“Home is the first place where children are taught how to behave and what is good and bad, permitted and forbidden. They learn by watching and imitating their parents who serve as role models for them. Thus home is a common place to learn and later justify domestic violent behaviour. It is unfortunate, but quite often children witness their mothers being beaten and battered.”**

Dawn Bradley Berry, in *The Domestic Violence SourceBook*, Lowell House, Los Angeles, says: **“Children who aren’t physically injured still suffer severe trauma from growing up in a violent home and they learn that this is what home is like. That humiliation, disrespect, and beating are normal in a home; that violence is the appropriate way to solve problems. These children live in a constant state of uncertainty and instability. Boys learn that men have the right to abuse women and girls; it is normal for women to submit and be abused. They do not learn effective ways to resolve conflicts and may think that violence is an acceptable way to solve problems, since they have not learned otherwise.”**

**“Therefore, it is crucial to address this issue with children coming from violent homes as soon as possible. If not, the consequences may be very serious for dating adolescents and young couples coming from violent homes. They have a greater likelihood than others of growing up and being abusers or victims and perpetrating the cycle of violence over and over through the generations.”**

Mr. Speaker, we know domestic abuse affects the emotional fabric of the family and of society, and that it causes serious psychological trauma that women and children may bear the rest of their lives. Let us consider some of the economic and social costs involved in domestic violence: these includes health care cost, the cost of absenteeism from work and reduced income of the family. These are just a small part of the even wider cost to society which include: the resources of health care systems, law enforcement and the courts and the penal system. How do researchers quantify these costs?

Again, Mr. Speaker, according to a study by the World Bank, one day in every five lost by women is a result of problems associated with domestic violence. In Canada, a study showed that domestic violence cost the country \$1.6 billion a year including medical cost for victims and lost productivity. In United States, researchers estimate that losses arising from domestic violence range from \$10 billion to \$67 billion dollars. Similar stud-

ies for the Caribbean are only getting underway, but we can certainly expect them to be just as startling.

What about some of the indirect costs which some suggest may outweigh the direct cost mentioned above?

Mr. Speaker, domestic violence has a serious impact on the health of pregnant women and their unborn babies. Physical and psychological abuse caused higher rates of prenatal and infant mortality and leads to health problems that shorten women’s working lives.

Also, statistics show that children who grow in violent homes have a 74% higher likelihood of committing criminal assaults.

A recent study conducted in Latin America by the Inter-American Development Bank found that children from families in which women are subjected to violence are three times more likely to require medical care and are also hospitalised more frequently. Some 63% of these students repeat a grade in school and on average tend to drop out of school more frequently and at younger ages than children from non-violent homes. Is this where we want our society to go?

There is so much that needs to be done. It will take a concerted effort and actions on several different levels to compact the problem. The entire community and government must join forces. The churches have a critical role to play as well.

Mr. Speaker, women must stand up and say, ‘no more’. We must band together and send a message very loud and clear—domestic violence will no longer be acceptable. Women, I say arm yourselves and tell men this will no longer be tolerated!

Mr. Speaker, I have introduced this motion because I believe we cannot wait another day to take action. Given the increasing number of incidents of domestic abuse, and the increasing level of violence of the attacks, it is time to protect the safety of the women and children who are victims of this suffering. A safe house is needed where they can recover and regroup without fear so they can prepare to take the next step towards a healthier life where they can hold their heads up high and live in peace and dignity as God intended it.

They need a place where they can come with their children to break the tragic and repeated cycle of violence that makes their lives a daily nightmare of stress and suffering.

A safe house is needed urgently but we should not forget all the many other extraordinary efforts already going on in our community. I must commend all those who are doing their part to help alleviate the problem of domestic violence. Thanks must go to those efforts.

We now have in place a certain number of very important resources for victims of domestic abuse. And, I would like to commend the members of the Business and Professional Women’s Club for their tireless work on this issue including the annual 16 days of activities against gender violence and their many other efforts to educate the Caymanian public and to offer support to those in need. Some of these women have opened their homes to victims of domestic violence.

The Women's Resource Centre provides an enormous amount of resources as well as educational programmes and support. The Legal Befrienders' Clinic is made up of volunteer attorneys who help women in situations of domestic violence to exercise their legal rights and find a course of action and a path to independence and safety.

The NCVO has also provided a wealth of resources and support as have Cayman Counselling Services and Caribbean Haven and outpatient services. Mr. Terry Delaney's private practice at the Cayman Clinic offers a range of counselling services and programmes directly related to the issue of domestic violence including a programme called Men and Anger that is designed to change attitudes and behaviours of perpetrators of domestic violence.

There are locally produced video seminars for educators and counsellors. There is another very enlightening video that was produced right here in the Cayman Islands called *Domestic Violence Exposed: The Unseen Truth*. Mr. Delaney served as a consultant to the project and can tell you the impact it has had on those involved and those who watch it.

Mr. Speaker, so much has been done, but this piece of the puzzle—a safe house—is missing. I know that the groups I have just mentioned above will join me in reinforcing this point, and I am certain that the community will rally to help government with this endeavour. Over the years, the Business and Professional Women's Club have worked tirelessly and have even gone so far as to effect change in the courts by initiating stronger sentences for those found guilty of domestic violence.

In fact, just the other day my former schoolmate, Catherine Moxam-Wagner, who is also President of the Business Professional Women's Club, met with me to discuss this issue. She informed me that she had just attended a conference in the Bahamas on domestic violence. She said the workshops at the conference were strongly focused on the subject of safe houses and shared with me some insight she gained by her participation.

The experience that was shared by others in the Caribbean region indicated the success of a strategy in the place of the safe house as near as possible to or even within the confines of a hospital.

This has been found to work better than other options, and it is said to be due in part to cultural factors. For one thing, there is a stigma that continues to be attached to the issue of domestic violence. As we are all aware, many women are ashamed to seek help. In small closely-knit communities such as ours it is hard for a woman to use such facilities without being recognised or having to be seen by people she knows. A hospital setting offers a good mutual place for her to go; one where she is unlikely to arouse suspicion and as I said earlier, a woman is at her most vulnerable when she is trying to get out of an abusive situation. The proximity of medical care as well as security makes the hospital setting an ideal solution.

Catherine even suggested that perhaps part of the old hospital building could be converted into rooms for this use. These rooms are already available and there is a certain level of security in place, which would offer protection from any unwelcome visits by the abusers.

Mr. Speaker, even a few rooms to start with would allow this initiative to get going. It could even help to save a life or a family that urgently needs help. As I said, I can assure you that the community support for this idea is very strong and people are ready to get organised and help make this a reality.

What is so wonderful about women is that most of them wear their problems well—they can switch it on and off. At home, they deal with the abuse and then like clockwork they get up each morning and face the day all over again. I presume most of them know their children and their jobs are top priority so they go about their day like nothing is wrong. I suppose that's how most of them get through their day—putting their best side out.

Mr. Speaker, I have to ask how long can one human being put up with so much. Sooner or later it must wear her down. She is constantly stressed. It is not healthy.

Anyway, as I said, women are wonderful and God certainly knew what he was doing when he made us!

I would like to share with each one here a poem I found on the domesticviolence.org website. It is called *Another Women*. The poem reads:

Today another woman died  
and not on a foreign field  
and not with a rifle strapped to her back,  
and not with a large defense of tanks  
rumbling and rolling behind her.

She died without CNN covering her war.  
She died without talk of intelligent bombs  
and strategic targets  
The target was simply her face, her back  
her pregnant belly.

The target was her precious flesh  
that was once composed like music  
in her mother's body and sung  
in the anthem of birth.

The target was this life  
that had lived its own dear wildness,  
had been loved and not loved,  
had danced and not danced.

A life like yours or mine  
that had stumbled up  
from a beginning  
and had learned to walk  
and had learned to read.  
and had learned to sing.

Another woman died today.  
not far from where you live;

Just there, next door where the tall light  
falls across the pavement.

Just there, a few steps away  
where you've often heard shouting,  
Another woman died today.

She was the same girl  
her mother used to kiss;  
the same child you dreamed  
beside in school.

The same baby her parents  
walked in the night with  
and listened and listened and listened  
For her cries even while they slept.

And someone has confused his rage  
with this woman's only life.

Mr. Speaker, I thank you for your indulgence and I kindly ask government and all honourable members for their support in this motion. Thank you.

**The Speaker:** The floor is open for debate. Does any other member wish to speak? The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** On behalf of the government I am happy to rise and extend support for Private Member's Motion No. 10/00 which deals with the establishment of a safe house for battered women and children. In particular, the resolve section which states, **"BE IT THEREFORE RESOLVED that the Government, in a combined effort with the community, consider as a major priority the establishment of a Safe House for battered women and children."**

Government does consider this of high priority and because of that we have no problem in accepting this motion, subject to approval in Finance Committee when the request is done at the appropriate time that plans et cetera have been completed. We look forward to the support of all honourable members in this regard as I believe after hearing the presentation from the Second Elected Member from Bodden Town that the awareness would be even more heightened.

The issue of domestic violence has long been a plague in our society here in the Cayman Islands. But I believe that the aspect of awareness is perhaps at its highest much to the credit of other persons even before ourselves here today and non-government organisations (NGOs), in particular the Business and Professional Women's club. I believe its fair to say that all of the lady members that have graced this honourable House with their presence have brought to the forefront various issues dealing with women, the girl child and, in particular, children. I believe that we are indeed indebted to them for the continuous and arduous struggle in this war against domestic violence.

Mr. Speaker, as the Second Elected Member for Bodden Town intimated in her presentation, the issue of domestic violence straddles all aspects of our society. It affects not only the high class but indeed the middle class and those of the lower class as well. What perhaps is most disheartening is that more times than not the lives of precious minors are greatly affected, if not physically, from a psychological and social standpoint as well.

Fortunately, some of these children through education or the Christian assistance that they may get from their pastors or other counsellors are able to bounce back. But a lot of times we find that children become defiant in our society because of the hostile atmosphere they have to endure during their childhood years.

These women, in particular, and to some extent their children as well, may often times feel that they are trapped in these violent and abusive relationships, a lot of times merely because of the economic or financial considerations that they have. Often times these women feel that they cannot survive without the financial contribution from the husband. This may be direct or indirect, financial contribution.

A lot of these persons will find themselves not maintaining directly the spouse and/or children but accommodation which is the basis of free rental is a major consideration for the woman in such a situation feeling trapped or being forced to stay. They often feel the stigma that is placed on domestic violence and I believe one of the biggest enemies is silence in this regard.

Because of the heightened awareness within our community, I believe that this veil of silence is now being broken in our community. We would hope that this continues so that any woman or child who is abused within our community can feel absolute confident that, first of all, whoever they report it to, it would be a matter of confidentiality. Also, they can be assured they can receive effective and efficient remedies without having any lash backs in that regard.

I am also happy that because of the heightened awareness from various members within and [outside] parliament, the police are now taking the issue of domestic violence much more seriously.

I can remember, having practised family law for several years, that one of the biggest fears the women I counselled or provided legal advice for was that they would call the police and for whatever reason it was not seen as a crime, through no fault of the police at all because they had to work within the resources in which they were given. Often times it was felt that perhaps a murder was more important than the issue of domestic violence. I am glad that ideology has gradually changed and I am grateful for that reformation on the part of the police and the structure therein.

I am also happy to hear from the Police Commissioner that they are now prepared to set up a family unit within the Police Station. I believe that this will help with the proposal in this motion which, as we will see, as I attempt to make my presentation is but one of many possible solutions to this hideous crime of domestic violence.

I believe, Mr. Speaker, that all and sundry would fully agree that domestic violence must be stopped. And it must be treated as a serious crime—one that will not be ever tolerated within our civilised community. I believe also that the remedies available must be fully pursued and financed. It has been my experience that it is politically correct to talk about various remedies dealing with domestic violence and the associated victims, but when it comes to the actual full and proper financing, this seems to be where the breakdown is.

I would encourage not only this parliament but successive parliaments to deal with these social issues and properly finance them. Unless we do it, it is going to be a cancer which continues to grow within our society. The cost at a later date because of delays will be a great cost, one with gross economic results within our country. I believe it is better to decide that, yes, it is a matter of major priority, and go that further most vital step, fully fund it and support it.

I recognise that the motion is drafted in the singular, in that it is asking for the provision of a safe house. But I believe I can take the liberty of interpreting that the intent is to provide safe houses or whatever would be most appropriate for the protection of abused women and their children.

I believe also and concur with the mover that where children and battered women are concerned the element of confidentiality is the most important and essential element. Perhaps, this is more easily achieved in the larger jurisdictions where you can go across county and the abuser will not know where you are actually located. Unfortunately, because of the small size that we have in the Cayman Islands this would not, from my experience, be easily achievable. People seem to know what you think before you actually think it here in the Cayman Islands. So, having just one house would be quite public.

It would be my personal preference to look at the concept of establishing safe houses or places of shelter within the various electoral districts or as close as possible seeing that we do have three islands. I would certainly not agree with having one in Grand Cayman where battered women from Cayman Brac and Little Cayman would have to come across and be uprooted from their familiar environments. So, I believe it would be better from a social aspect for continued orientation into an environment that they were familiar with because you also have the aspect of schooling to consider. And with the educational system here, if you live in George Town you must go to a school in George Town unless you can find a private school. Often times, these victims are not in a financial position to afford a private school. Nine times out of ten they would have to attend the public school system.

I am sure the children in particular would like to keep their same friends and be able to have access to their grandparents and other close relatives within their district but yet feel completely secure from the abuser.

It is also my respective view that the provision of a safe house (or houses) is only a temporary measure or a transitional place of shelter for abused women and chil-

dren. By this I mean the place of safety or shelter is not in principle intended to be a permanent residence where a person or a victim of domestic violence can go forever and ever. To me, that would be non-humanistic and it would be seeking to institutionalise the family unit which would not in my respective view be in the best intention for the family.

So, my view would be that these safe houses once properly funded with programmes and all the ancillary assistance needed to be run effectively would serve as a temporary place of shelter and safety for the victims of domestic abuse, be it the wife or the children, or paramour and children.

I believe most safe houses around the world provide temporary accommodation for up to six months in most cases and only in exceptional circumstances such persons are housed for one year. So, with this in mind, I believe for the safe house concept to be a successful one here in the Cayman Islands we would have to put into place at the same time or before, if possible, an appropriate system of affordable housing, and in some cases subsidised housing, so that these women and children will have a hope that in a relatively short period of time they can have absolute ownership of accommodation, be it, a rental facility or outright ownership where they can still get on with their new life with their children and still have protection by a way of an injunction from our Grand Court or further if the appeal process kicks in.

When I was in the UK last week, I took the opportunity in one of my free afternoons to visit the Hackney Safe House, in one of the London Boroughs. I was fortunate enough that the supervisor was a Jamaican national who had worked there for about four years who could relate to the Caribbean experience. I was able to spend several hours asking how the centre was run, looking at their facility, looking at the job references for the twelve members of staff at the facility.

Just seeing how the administrative offices were settled—they are a non-profit facility, which to an extent would go hand in hand with part of my good friend's motion. They rely on a lot of contributions from within the community and from the national community as well. The government, that is, the Labour Government now in power, also gives a grant or contribution to the facility.

They have in operation five places of safety, which I was not able to see because of the element of confidentiality, but was able to discuss the administrative ambit of these centres. They basically work by these women actually being referred to the centre or because the centre is located in the midst of a very rough section of London, there are a lot of different races and a lot of stresses from a cultural perspective, so, they see all sorts of problems arising from the crime of domestic violence.

One thing that I found quite interesting was that the administrative office was modern enough in their thinking to include a play area for the children. It was quite interesting. When I asked as to the reasoning behind such social and modern forward thinking it was explained that often times when the parents or the mother come in it is better for the children to be in a supervised area to play

so that she can actually concentrate on herself and the possible remedies and solutions that she can get from the experts or professionals there, rather than having to quiet a child who is already stressed out and shift the real concentration of the problem.

So, I would hope that whether it is myself or whoever comes along to take up the responsibility would also include a play area within the actual administrative framework so that when parents or the mother comes in, the children could also be well catered to. It would actually go from a psychological standpoint to show that the whole family unit is being considered and indeed that the children are of paramount consideration as should be the case.

I was also able to look at the literature and pamphlets that they had there. In fact, I brought back quite a few with me. I have had communication and will be making arrangements for at least one of the staff members to come down and speak at the Women's Resource Centre so that we can get further insight as to how a facility is actually managed in the UK and perhaps streamline it to suit our situation here within the Cayman Islands.

Mr. Speaker, being a woman myself and having been quite close to the issue, I can fully concur with the Second Elected Member for Bodden Town as well as the seconder of the motion in that this is an issue that is not just a woman's issue and something that women come to Parliament and make a lot of noise about. I believe that the woman and the children are basic fundamental units within the community and that any successful community must take care of them.

Yes, I do believe that men play a vital part in the community and we are not here on a man-bashing exercise. It is an issue of domestic violence where we find that there are more women being abused than men.

So, I am happy that I can fully support the issue being raised to show the concern of the lady members within this honourable parliament. I am sure the silent support (or silent thus far) of our honourable male colleagues is for properly financing this request when it comes before this honourable house.

Before concluding, I would ask that if there are any members who have suggestions and/or recommendations as to how the safe house should be established or funded, or how we can go about marrying the union of the private sector and government in the realisation of such needed facility, the Ministry of Community Affairs and Women, et cetera, would be most open and indeed would welcome any comments and suggestions in this regard. We do not claim to have a monopoly of knowledge in this respect or indeed any other respect.

Again, I would like to thank the mover and the seconder for this most important motion and I look forward to the day that we can actually see the shelter providing the needed service that it should. I wish I could say that I look forward to the day when there is no need for such a shelter, but being a realist I realise that would be asking for a Utopian state and I have not reached such an optimistic level as yet.

With those comments I thank you, Mr. Speaker.

**The Speaker:** The floor is open for debate. Does any other member wish to speak? The Elected Member for North Side.

**Mrs. Edna Moyle:** One would probably say that there is nothing more that can be said on this motion having listened to the mover, the Second Elected Member for Bodden Town, and the Honourable Minister responsible for Women Affairs.

Mr. Speaker, I really thought that one of my male colleagues would have stood up and supported this motion seeing that November is just around the corner. My honourable colleague from George Town, the Fourth Elected Member, has now promised me that he will stand up and defend this motion as the ladies have. That is one way of bringing them out—isn't it?

The problem of domestic abuse is not only a Cayman Islands problem, it is a global problem and as we have heard from the mover and the Minister responsible for Women Affairs, countries around the world are trying to fight this problem in more ways than one.

The Second Elected Member from Bodden Town quoted statistics (which I will not repeat), but those statistics have been quoted in this Parliament by myself on numerous occasions trying to seek a place of safety for battered women.

I am indeed happy this evening that the Honourable Minister has accepted this motion. I say on behalf of the government but I say on behalf of the battered women in the Cayman Islands and the abused children.

When the former Third Elected Member for George Town [Mrs. Berna L. Thompson Murphy] and I brought Private Member's Motion No. 1/95 to set up a Women's Affairs Office, the domestic abuse in this country at that time was one of the main reasons for us bringing that motion. That motion coming into effect has made women realise that there were some people out there who were concerned and this is why we are able to quote statistics in this parliament today.

I remember clearly, that motion was passed in March 1995, and by April 1995 over 200 cases of domestic violence had been reported to the police. So, this is no new subject for me as a lady member in this Parliament because I have been fighting for this for a long time. I am not advocating the separation of family, sir, but this place of safety would give one an opportunity to remove the abused to a place of safety with the children whom in my opinion suffer more than anyone else, and, to take the abuser where they can get counselling. Normally, whoever abuses, whether it is the woman or man, is in a fit of anger. This is where the abuse starts in my opinion. So, we must provide counselling for anger management, counselling for the trauma for the person who has gone through it.

You know, Mr. Speaker, as I just said, the children suffer more in these situations than anyone else. When I was given statistics on child abuse in these islands from 1991 to 2000, I was shocked that we had 139 cases of child abuse. In my opinion, the majority of these cases

probably stemmed from domestic abuse within the family.

Where do the police take the person abused when they are called to intervene in a domestic violence situation? This is why we need a place of safety that the Police can take these people to a safe house where they can provide temporary lodging for the abused women, children, men, rape victims and the list goes on.

It has been proven that children who witness violence may experience depression, anxiety, eating problems, heightened aggression, difficulties with concentration and stress-related illnesses—these could be short-term or long-term. We have heard in this parliament on numerous occasions, we have read in the newspaper of the problems we are having with our children in schools today. Has anyone looked into this situation to see that these children who are causing these problems may not have come from homes where domestic violence was in abundance?

It is a chain, and we must break that chain. We must educate our children in schools that abuse is not a way of life. We can no longer sit back and leave these things until children have become adults. It must be taken into the school system that we can teach these children how to treat one another.

A place of safety that can provide a non-threatening or less threatening environment to conduct interviews with abused persons whether they be women, men, children, or rape victims, rather than the bustling police station in my opinion is a much better place to carry out these.

The Honourable Minister made mention of the family unit to be set up within the police department. Having brought that motion to set up a family unit within the police department and outside the police station, and the officers to be in charge should be women, I think, will help us when we have to counsel these women, interview and they may be more prepared to come forward.

In closing, I say violence against women will not be prevented without women being empowered to control their own lives. And until we can empower the women of these islands where they can go out there and get jobs and not have to depend on that pay cheque to help feed the children, we will always have that problem of women not coming forward or wanting to be removed from the situation.

Once again, I would like to thank the Honourable Minister and the government for accepting this motion to at last provide a safe house for battered women.

**The Speaker:** The floor is open to debate. The Fourth Elected Member for George Town.

**Dr. Frank McField:** I just wanted to actually make sure that there is a male voice to this concern.

What happens in society and society's preoccupation with its problems is that although we have the capability to define social problems we often lack the resolve to doctor, to cure these problems. One reason being is that every problem will demand a solution, and

the solution will have to also demand that resources be made available.

Once we talk about resources, we are talking pocket books; we are talking about somebody having to pay. We have very ably got up here today and we have done very good social legislation. But at the end it seems that we have a parliament that is acting like it is Christmas but we don't know who Santa Claus is as yet and who is going to pay for it all. It is great that we can get up here and talk about the safe house for battered women, the retirement pay for senior employees and all the other things. But are we also willing to get up at one particular point and take responsibility—not for saying that we have done these things—but that we have caused the need for the treasury of this country to collect more money to pay for these?

I believe that there are certain things that are important enough for me to get the blame for having persuaded government to increase fees in order to cover expenses. Obviously, I think that when government is accepting legislation, government is planning more social programmes and getting involved in more recurrent expenditure, they should be looking at how it is going to pay for these things. It sounds good to always say that we are somehow empowered to do things for the community. But it is the community that really does the things for itself. They have to pay for it—not us, the legislators not the government.

So, when we come to the question of establishing a safe house for battered women, one of the first things we see is the Minister of Community Affairs saying that she would like to see one for Cayman Brac. Probably the member from North Side might want to see one in the eastern districts. The Minister of Community Affairs says that she would prefer not one safe house but safe houses (plural). I am not saying that this is not a priority but when—

#### POINT OF ORDER

**Mrs. Edna Moyle:** Mr. Speaker, on a point of order, please.

**The Speaker:** Let me hear your point of order.

**Mrs. Edna Moyle:** I did not say that I expect a safe house in the eastern districts. If we look at the statistics the district of North Side has the least number of abused persons.

**The Speaker:** I think he was just referring to the Honourable Minister as wanting one for Cayman Brac and you *may* want. I don't think he said that you did. I don't think he quoted you so that is not a point of order.

Please continue.

**Dr. Frank McField:** Mr. Speaker, if the member had really been listening to me after she challenged men to speak, she would have known exactly what I said and would not—

**Mrs. Edna Moyle:** Mr. Speaker, I am not going to have an argument. I was listening, that's why I came back in here. I was in the Common Room.

**The Speaker:** We can call for the *Hansard* if you would like, but that is what the man said. Please continue.

**Dr. Frank McField:** If we are looking for a solution with regard to domestic violence and battered women we have to be asking to what degree do we have to do something in order for it to really count. In other words, how large will the first home for battered women have to be? How many children will one battered woman, for instance, have? How long will that person be allowed to stay there?

The Minister for Community Affairs also mentioned the fact that affordable housing was also a complementary solution. So, the house for battered women itself will not act as a solution without the complementary aspects of creating viable alternatives for women. That's the point I am trying to make here.

Now, if we look at the way we are moving away from community solutions, where the community is involved in finding the solutions for social problems, to the areas where the state is being asked to be responsible for providing solutions, what we are talking about is actually the institutionalisation of problem-solving with regard to social problems in our community.

If dealing with domestic violence and battered women becomes part of the institutionalisation of the whole concept of problem solving, we have to ask ourselves . . . for instance, if we were to set up a home in terms of the first one or two homes, what type of women would we be looking at? Because the social class and the education status of the woman can be very important in terms of the woman's dependence on the abuser.

So, if we have a woman, for instance, who is trapped in a relationship where she gets pregnant when she is 18 or 20 years old, and she has two or three children and has to go into this safe house for battered women and children, how many children will she be able to carry? What would be the dynamics of having families of single mothers, for instance, in this particular environment? What would be the way in which we begin to use that centre as a place to discover about the personalities and the sociology of the individuals that have come to seek safety?

Once we have given those persons this original safety, where do we go on from there to provide them with additional safety? Obviously, if the problem stems from the woman being dependent upon a male abuser, the fact that she comes to this safe house means that there must be someplace else that she has to go after the safe house, because this is only a transitory stage. What is the next stage? What is the plan there?

It looks good to create a safe house for battered women and children, but what is the next step? Do they come from being battered to going back to the home? They have to go someplace after they have found safety,

after we have given them the possibility to get away from the violence, the immediacy of the violent action on the part of the men. Then we have to be able to prepare them and to assist them with finding accommodations, with finding jobs, if necessary with finding access to adult education, with finding money for school lunches.

Now, the interesting thing about a society that has no taxes, a society that still looks towards welfare, somehow because of the communal basis of our society and because of the caring nature of our society . . . the care is only going to be possible if we are willing to spend the resources to be able to establish not just insular solutions but to give the solutions an inter-disciplinary approach. There must be an interdisciplinary approach to the question of domestic violence and battered women since they are not going to live in isolation.

We have to understand that the reintegration of these individuals is important but what are we going to reintegrate them back into? The same environment that they just came into? If we are not going to do that what different environment will we have been empowered, by way of our resources and by way of our strategies, to integrate them into?

I have written about domestic violence. I wrote about it in *Time Longer dan Rope*, I wrote about it in *Down Side-up*—these plays. I understand about domestic violence. Because I am a man does not mean that I was not a child. And if what we are saying is that children are the person affected by domestic violence, we are not saying female children only, we are saying children. I think that is important because anyone who has experience in domestic violence knows it is not something that affects females alone. As children many of us in our community were affected by what we today call domestic violence—by brawls and fights in the late hours of the night.

So, if we are going to talk about the fact that children really are affected, then some of us who are men today were affected by domestic violence when we were younger. Therefore, we do have the capacity as males to talk about domestic violence in an authoritarian manner because the women are the ones that get the abuse but the children are the ones who are psychologically damaged by the abuse.

I wrote extensively about domestic violence, about the break-up of the Caymanian family because of the men going to sea and coming back with their drunken habits, coming back thinking that they could boss the women around when the women were seeking jobs in the hotel and were gaining some kind of economic independence. The men wanted to say that this was their house, their child, their property—they owned the woman and they owned the child, this whole concept of ownership. Some of the men lacked the type of self-esteem to want to own something other than the *pickney*.

So, there are poor persons who discussed domestic violence in England, and in America, but I believe the Caribbean has its own unique dynamics with regard to violence against women. The Caribbean male is to a certain extent tempted and tortured in a way that perhaps

the Caucasian male in Europe might not be. I know where the ideology comes [from] with regard to gender politics because there is a concern for women. But there is a politics involved in it too because some women believe somehow that they should exploit politics, to bring political attention to themselves rather than to seriously deal with the sociological and psychological issues involved in violence and violence against the family.

So, in taking up these issues with regard to domestic violence and to see that even when we were doing the play *Time Longer dan Rope* and the Granny came and she hit the husband, Beatman, over the head, the audience laughed. A lot of people [asked] why they were laughing. Could they not see this was violent behaviour? People were just cracking up and being real comical in those types of situations—how our attitudes were towards the fight.

Do you know why they were laughing? Because everyone was familiar with the scene. Those persons were familiar with the fight scene!

Now, today when the police go to the grass root communities to investigate domestic violence, we get the feeling somehow that one side is being taken. In other words, the attitude is that because man is the abuser, he is the guilty person. From a legal point of view, the man is the guilty person. But he was the person who was abused as a child.

In being abused as a child, his actions should not be excused as an adult. But what has been done in our environment to rehabilitate his sense of duty and responsibility to his family, to allow him not to abuse it but to treat it as a flower, as a plant that needs to be nurtured in order to grow and to reach maturity?

So, we don't want to say that we should stop with the whole idea of establishing a safe house for battered women, which I have heard being talked about for a long time. We need to establish a safe community for all those people by providing them with the kind of help that is necessary, by bringing the activities of the community development, social services and education together in such a way as to enlighten and empower the community to the point where women have solidarity between one another; to the point where a woman who is being battered in one house can run to the other house for safety; to the point where the police can intervene and know how to deal with the crisis because they have been trained to deal with it because resources have been spent in allowing them to be able to deal with it; to be able to get our community back to the point where it does not try to institutionalise every problem it has, where money has to come out of our pocket every time we have a problem.

We, as a community, cannot become actively involved in finding the solutions—we find solutions by way of legislation and by way of institutionalisation of the problem. We find it with the boys' home, we find it with the girls' home, we find it with all those things. What does institutionalisation of problems mean at the end of the day? It removes it further from the community's consciousness and the community's involvement.

I am not against the establishment of a safe house for women and battered children, but there is a degree of weakness when we do not understand that it has to be integrated very well into other concepts for solutions to the question of low self-esteem and violence that exists in our community. We have to, therefore, make sure that this is not something that is being done simply because we are close to election and this is not something that is being accepted by government simply because it might not look right to let it wait for some time. Someone at some particular point have to be saying what will be done to integrate this concept into the wider social development and social rehabilitation programmes which we have in our community.

It is too easy to talk about *'them, their problems, what we are doing for them, the others'*. Truthfully, who is going to use it? Who is going to have the stigma put on them to say they were in the battered house for women? Who really wants their child to go to the Marine Institute at the end of the day? although we understand what it is for. Who wants their children to go to the boys' or girls' home? At the end of day, are we going to be there with the poor people and the poor labels?

I am saying that this motion is an honourable motion. But as someone who has studied the development of certain types of social institutions, I am saying that we have to be careful we might be developing just another place to say we have a place to send them. And we know who they are—they are the poor, they are the uneducated, they are those that are not able to help themselves. We have to give them more than a place of safety—we have to give them an education, we have to give them better pay.

The mere fact that women today in this country are paid so low is an issue. The mere fact that men are paid so low is an issue. The mere fact that a lot of them live in such crowded condition that they become irritated and disagreeable with one another is an issue. These social conditions that exist in our society as a result of low wages and the unavailability of proper housing for our people needs to be looked into.

The Minister for Community Affairs was correct in noticing that there has to be a multiplicity of solutions that this in itself will not be good enough. So, I have talked about all of these things not to take away from the motion, not to say the motion is not important; but to make sure that when it becomes a reality in terms of the planning stage, they do not forget that they should not be creating another ghetto but opening a wider world for people to travel through. The place of safety must be a place that will lead to empowerment and improvement and not a place that is just there because we want some place to put these people.

**The Speaker:** We have three minutes before the agreed time of interruption. Does any other member wish to speak. The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I won't be long but I would like to lend my support to this motion.



There are no two ways about it, the stresses and strains on our people are causing much frustration and people cannot handle their problems in a reasonable manner. As I said, earlier today that it seems sometimes that all reason is beginning to go out the door.

I would like to congratulate the two lady members from this side and the Minister for accepting the motion. I think it is worthwhile. When we look at what obtains as far as statistics in actual cases, we realise that these are many assaults—actual body harm, grievous bodily harm, wounding, damage to property.

Mr. Speaker, in the district of George Town, 33 cases; in the district of West Bay, 18 cases. In just those two districts alone, the two larger districts, sufficient to look at a place where battered people can go and not just be there for the night but to get counselling and have a place where they can get proper attendance, they or their children.

The Fourth Elected Member for George Town made some very valid points. But while I believe in community and socialisation—that's why I came up with the idea of CODAC so that the community could start to help themselves—I always believe that where the community fails government must take up the slack. The member is right, no one wants his or her children to be in the Marine Institute.

**The Speaker:** Could I interrupt you just one moment. Honourable member I don't think you are going to finish within a reasonable period of time.

**Mr. W. McKeeva Bush:** I am going to finish immediately, sir.

**The Speaker:** The arrangements with security, the staff and with the press was for 7.00 p.m.

**Mr. W. McKeeva Bush:** I will be finished in a minute.

**The Speaker:** Please continue but we will have to adjourn after that.

**Mr. W. McKeeva Bush:** No one wants their child to be institutionalised and no one wants to be institutionalised. But the fact of the matter is where the community breaks or where the homes break down, or where children cannot be handled otherwise, there must be a place where they can get training—like the Marine Institute, where they can get assistance, like the Girls' Home where they can get proper care and attention, at least to the point when they are battered, for that time the person needs a place to go.

For those reasons, I think this is a worthwhile attempt and even if it comes on the eve of an election whenever we can get something that I support, I am going to support it once it is good for the country. Where the community fails the government must take up the slack.

**The Speaker:** The Second Elected Member for Bodden Town I presume you would want a period of time to wind-

up, so at this time I would entertain a motion for the suspension of this Honourable House.

The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

## ADJOURNMENT

**Hon. Julianna O'Connor-Connolly:** I move the adjournment of this Honourable House until Wednesday, 19 July at 10.00 a.m.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 a.m. on Wednesday. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The House stands adjourned until 10.00 a.m. on Wednesday.

**AT 7.03 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 19 JULY 2000.**

**EDITED  
WEDNESDAY  
19 JULY 2000  
10.22 AM**

*[Prayers read by the Honourable Third Official Member]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number two on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have apologies from the Honourable Second Official Member who will be arriving later this morning. The Honourable Minister for Tourism, Commerce, Transport and Works is off the island on official business until 23 July 2000. The Third Elected Member for George Town is off the island. The Fourth Elected for West Bay is sick.

Moving on to item 3 on today's Order Paper, Presentation of Papers and Reports. Her Majesty's Northward Prison, Strategic Plan Documents, to be laid on the Table by the Honourable Acting First Official Member.

**PRESENTATION OF PAPERS  
AND REPORTS**

**HMP NORTHWARD STRATEGIC PLANS DOCUMENTS AND THE HMP NORTHWARD INMATE DEVELOPMENT AND REHABILITATION PROGRAMMES**

**Hon. Donovan Ebanks:** Thank you, Mr. Speaker. I beg to lay on the table of this Honourable House the HMP Northward Strategic Plans Documents and the HMP Northward Inmate Development and Rehabilitation Programmes.

**The Speaker:** So ordered. Do you wish to speak to them?

The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** Just briefly to say that honourable members will recall that the Legislative Assembly passed Private Member's Motion No. 5/2000 after amendment on 6 April of this year. Honourable members will also recall that the motion called on government to lay on the Table of this Honourable House within 90 days its plans for both the physical and rehabilitative reforms of Northward Prison.

The government has approved the tabling of these documents, and I pleased to do so on behalf of the Honourable First Official Member.

The documents have been prepared primarily under the direction of the former Temporary Director, Mr. Nicholas Brooke, in consultation with the Portfolio of Internal and External Affairs. They provide a concise but comprehensive picture of the on-going and planned physical developments and programmes related to Northward Prison. Some information on indicative cost has also been provided.

Mr. Speaker, the Honourable First Official Member would welcome the critique and comments of honourable members, and I would in turn urge honourable members to convey these to him in writing or verbally. I thank you.

**The Speaker:** Moving on to item number 4 on today's Order Paper, Questions to Honourable Members and Ministers.

Question number 42 stands in the name of the Third Elected Member for West Bay . . . who is out of the Chamber. We will move on to question number 43 standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 43**

**No. 43: Mr. Roy Bodden** asked the Honourable Acting First Official Member responsible for the Portfolio of Internal and External Affairs for the Government's policy regarding foreign nationals convicted of serious crimes in the Cayman Islands.

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** The Immigration Law (2000 Revision) provides the statutory framework for consideration of all matters related to the authorisation of entry to, and presence in, the Cayman Islands of foreign nationals. The Law includes specific provisions in respect of persons who have committed serious crimes. The provisions are referenced to any conviction in any jurisdiction that has resulted in sentences of imprisonment of twelve months or more.

The Law is absolutely clear (section 59 (h)) that a foreign national who has been sentenced to such a term is not permitted to enter the Cayman Islands. This position forms the basis of the current policy in respect of foreign nationals who are convicted of serious crimes whilst in the Cayman Islands.

As such, the policy is that:

- the permission of the individual to remain in the Islands is reconsidered by the relevant authority (Immigration Board in respect of persons who have been granted Caymanian status, permanent residence or a work permit, and Chief Immigration Officer in respect of visitors);
- the individual is provided with an opportunity to give reasons why their permission (i.e., work permit, permanent residence, et cetera) should not be withdrawn; and
- after due consideration, the permission is normally withdrawn.

If the permission is withdrawn, the foreign national is given a date by which he or she is expected to depart the Cayman Islands. Failure to depart by the specified date constitutes an offence under the Immigration Law and, in turn, liability to prosecution and deportation.

On departure, the individual is now electronically profiled and is designated in the Immigration database as a prohibited immigrant.

### SUPPLEMENTARIES

**The Speaker:** Supplementaries, the Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable member say if there are any circumstances where these conditions may not apply? For example, in cases where there are persons who have been resident here from childhood and whose parents may have Caymanian status and naturalisation, are these conditions equally applicable to those persons?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** As I understand the question, the member is asking whether the criterion set out here would also apply to a foreign national whose parents are Caymanian—it certainly would, sir.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** In the substantive answer, the first paragraph, the provisions are referenced to any conviction in any jurisdiction that has resulted in sentences of imprisonment of twelve months or more including our own jurisdiction as we find out later on in the answer.

Can the member say if this also means if sentences of twelve months also allow for a suspended period so that the actual prison term is less than twelve months? Does that make any difference, or is it actually the sentence even if a period is suspended?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** The provision simply relates to the sentence and not to whether any of it is suspended or a portion of it may be actually served in prison. The law says, if convicted of an offence and sentenced to a term of imprisonment of twelve months or more. Once the sentence is a term of imprisonment of twelve months or more, whether you end up serving four months of that is immaterial.

**The Speaker:** The First Elected Member of George Town.

**Mr. D. Kurt Tibbetts:** Later on in the substantive answer, the member has stated that the permission of the individual to remain in the islands is reconsidered by the relevant authority, that is, the Immigration Board in respect of persons who have been granted Caymanian status, permanent residence or a work permit, and Chief Immigration Officer in respect of visitors. The individual is provided with an opportunity to give reasons why his permission, that is, work permit, permanent residence et cetera, should not be withdrawn. I don't know if the "et cetera" included Caymanian status.

Does the answer then mean that if a person has acquired Caymanian status and has been sentenced to a period of twelve months or more that Caymanian status can and will be withdrawn?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** Yes, the provision extends to persons who have been granted status and, in fact, it is contained in section 21 of the law: "**Where any grantee of Caymanian status under section 17 of the repealed or the previously repealed law, is convicted by any court of an offence (a) for which he is sentenced to an immediate term of imprisonment of twelve months or more, other than for non-payment of a fine; or (b) which, is in the opinion of the Board was made possible by, facilitated by or connected with the Caymanian status of the offender, the Board may revoke his status on its motion.**"

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** The answer that the member just gave said that the Board "may." Now, in the substantive answer it says, "after due consideration, the permission is normally withdrawn" and the other thing says that the Board may.

Are there any exceptions simply because of the wording? I think that alone connotes the possibility of exceptions. Are there any and if so what might they be?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** The law gives the Board the authority to revoke but does not make it mandatory that the Board shall revoke. Obviously, the use of the word 'may' explains that. In the substantive answer, the word 'normally' was chosen simply because my experience in the five years that I have been associated with the issue has been that the Board has consistently in such cases opted to withdraw or revoke the grant. That has been the normal practice, as I know it. I cannot say that I have done any research to say there has ever been a case where the Board having considered representation opted not to revoke the privilege.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** For purposes of clarity and to make sure that the member understands that I am not asking questions taking any specific position, it is just a matter that these things crop up from time to time with us representatives being asked those questions. Is it to say then that it is very likely even if there is an individual who has been granted Caymanian status, by marriage, for instance, or if the person is a permanent resident and is married to a Caymanian and there is a family of three children (I am just giving a scenario here) . . . is that the type of situation that might allow for an exception? Or is it basically that while the law states what it states that the position has been in the past that regardless of the prevailing circumstances or the situation that obtains that the law is basically followed almost to the point of 'shall' and not necessarily 'may'?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** I think the member in the final part of this question when he said that the law is almost followed as a 'shall' . . . my experience has been that even in those scenarios where persons obtain status by marriage and may have children who are Caymanian, that having been so convicted the Board has always been inclined to withdraw the grant.

**The Speaker:** Any further supplementaries? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Can the honourable member tell the House how this policy is carried out? That is, which department in government initiates this procedure once it is applicable, and that is assuming persons are imprisoned.

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** In most instances, I would expect that the considerations are initiated by the Secretariat of the Immigration Board or by the Immigration Department itself, both of whom would receive records of

conviction of persons and who would cross-reference to the persons in their database who are either holders of Caymanian status by grant or holders of other privileges under the Immigration Law.

**The Speaker:** Are there any further supplementaries? If not, we will move on to Question 44 standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 44

**No. 44: Mr. Roy Bodden** asked the Honourable Acting First Official Member responsible for the Portfolio of Internal and External Affairs if the Cayman Islands' Government has established any protocols or agreements with the Governments of the United States of America, Canada, Jamaica, the United Kingdom and other regional countries regarding information exchange on deportees from these jurisdictions.

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** No formal protocols or agreements have been entered into by the Cayman Islands with the United States of America, Canada, Jamaica, the United Kingdom or other regional countries regarding information exchange on deportees from these jurisdictions. Information is, however, shared on an informal basis with some jurisdictions and it is hoped that in the near future the sharing of information will be formalised.

#### SUPPLEMENTARIES

**The Speaker:** Supplementaries, the First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the Honourable Acting First Official Member state what might be the reasons why the sharing of information with these territories or jurisdictions has not been formalised today?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, I guess the primary reason has been that there has been the informal sharing or provision of information in respect of the deportees from at least one jurisdiction that generates a substantive number and is considered to create the greatest potential risk. As that information was being made available, the actual formalisation had not yet been pursued. It is something, however, that taken along with the advent of the capability here to also review other electronic or other personal data stored electronically in the form of fingerprints that we would hope to be able to formalise and to include that type of information as compared to the normal identification and document type referencing that is currently available.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** As it is my understanding that one of the basic differences between this sharing of information being formalised and being shared on an informal basis is that if it is formalised the information is flowing without any request, whereas on an informal basis on most occasions the request is made before the information is passed on. I would hope that if that is the case then this would be considered to be a matter of urgency for the security of the nation and formalisation would be sought almost immediately rather than the way that the situation is at present.

Can the member state whether that is the case and if that is the priority in which it is going to be dealt with?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** The information is currently (to use the member's term) "flowing" without request. It is provided on a regular basis. Obviously from this jurisdiction we have no way of knowing whether the source jurisdiction may actually have deported someone to another jurisdiction and not notified us. I mean there is no watchdog agency that can provide us with that information. But the current arrangement is that as deportation takes place we are informally part of the notification loop. So, the information stays flowing and it isn't that we have to request it at monthly or quarterly intervals.

I take the member's point in relation to the importance of formalisation. Sometimes, sir, these types of arrangements are best started in an informal way when you have certain contacts that will provide it, and having not abused it, it enhances our opportunity to formalise it. We hope we are at that point now where we can do so.

**The Speaker:** Are there any further supplementaries? If not, we will move on to Question 45 standing in the name of the First Elected Member for George Town.

#### QUESTION 45

**No. 45: Mr. D. Kurt Tibbetts** asked the Honourable Third Official Member responsible for the Portfolio of Finance and Economic Development to give an update on the on-going financial reforms.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** In 1998, the government launched what has become known as the Financial Management Initiative (FMI). The objective of FMI is to modernise the financial management system operated by the Cayman Islands' Government so that it has greater strategic orientation, focuses on the services (or outputs) delivered by the government, the management of performance and provides better financial information for both decision-making and accountability purposes.

Over the last two years, a great deal of work has been done to progress reform. This has included:

- a diagnosis of the issues surrounding the current financial management system;
- the development of a broad design for the reform;
- the development of a detailed design for the reform;
- the development of a carefully programmed implementation plan;
- an initial specification and costing of the outputs produced by Ministries and Portfolios;
- the production of a sample output budget for the year 2000 (Annual Plan and Estimates);
- the initial development of the information and reporting systems that will be required under the new arrangement;
- the development of a draft Bill to give effect to the reform, together with mock-ups of the new budget and reporting documents.

This work has been undertaken by a wide group of senior civil servants involving ministries, departments, the Finance Portfolio and the Audit Office. It has involved a number of consultation and training seminars, including briefings for Members of the Legislative Assembly last year on the detailed design and implementation strategy.

Oversight of the reform is the responsibility of the Financial Reform Team (FRT) which is chaired by the Financial Secretary. However, since the escalation of the external initiatives, the Deputy Financial Secretary, Mr. Joel Walton, has been chairing the Committee on my behalf and I would like to thank him for the progress that has been achieved up to this time.

Implementation of the reform is being managed by a full-time project team which is being assisted by external advisers who are expert in this type of reform. Implementation is occurring across seven sub-projects. These are:

- communication
- budget process
- output specification, costing and reporting
- accrual budgeting, reporting and accounting
- cash management
- agency management systems
- accrual and output auditing.

Current work includes assisting Ministries to improve their output specifications and costing and prepare quarterly reports of output delivery.

The development of a draft Public Management and Finance Bill to replace the existing Public Finance and Audit Law is the next significant step in the reform process. The draft Bill is designed to provide the legislative framework for the new financial management system. It is based on the agreed detailed design that was widely discussed in May last year. A committee of civil servants, including the Auditor General, the Permanent Secretary – Personnel, Senior Legislative Counsel and senior staff of the Portfolio of Finance and Economic Development have been engaged in drafting the Bill.

Because of its significance, it is important that the Bill is as right and complete as possible before it is formally introduced to the Legislative Assembly. For this reason, the draft Bill will be the subject of an extensive consultation process which will occur in September of this year. Consultation will include Members of the Legislative Assembly, the civil service and other interested parties. The results of this consultation will be carefully considered before the Bill is finalised.

It is anticipated that the Bill will be introduced to the Legislative Assembly at its First Meeting of the 2001 Session and will become effective as of April of that year. This will allow the progressive implementation of the reform to continue with the 2002 budget being prepared on the new output and accruals basis.

### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** In the first paragraph of the substantive answer, the Honourable Third Official Member explains that the objective of the FMI is to modernise the financial management system operated by the Cayman Islands Government so that it has a greater strategic orientation, focuses on the services and outputs that is delivered by the government, the management of performance and also provides better financial information for both decision-making and accountability purposes.

Can the Honourable Third Official Member relate where does all of that equate to any greater efficiencies that might be expected once this FMI is realised?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Efficiencies will be achieved by focus being placed on outputs rather than inputs, and with greater transparency it will be very evident to the government of the day and also the civil service as a whole what is being done within the government.

In addition, it is anticipated that the budget process will be linked very much with Vision 2008. Objectives and targets will be pre-determined. At the end of the day, it is always noticed that whenever better quality information becomes available to assist in any process it will help for the processes to be given greater clarity. It will also help to determine the resources that are required to achieve the given objectives that are being sought. It will also allow for a greater or better perspective to be developed as to alternatives to the processes or probably those objectives that are under review.

Over all, when ministers and members of government, civil servants, and members of Legislative Assembly, are better informed as to what targets are being sought, it will allow for better judgments to be made and also decisions to be taken.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I would like to thank the Honourable Third Official Member for his candid approach to this answer.

In the second paragraph where he says, “**Over the last two years, a great deal of work has been done to progress reform. This has included: the production of a sample output budget for the year 2000 (Annual Plan and Estimates).**” Can the member state if during any of this initiative if there has been any thought or will it be part and parcel of the initiative to be looking at revenue—not just output based budgeting but the accompanying revenue that is going to be needed in order to create the balance that we continually desire whenever estimates are done on an annual basis?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** This process will give rise to heightened dimensions in terms of looking at two sides, revenue and expenditure. When focus is placed on outputs this will bring into sync the cost recovery aspect as well. So, this will provide an opportunity for departments, for example the hospital services, to make a determination as to whether the cost of service being provided by the government is being subsidised and to what extent. It will allow for Members of the Legislative Assembly to become aware of that and for a conscious decision to be taken as to whether such subsidy should continue or whether full recovery should be made.

In addition to that, when focusing on output we are talking about the global package of services that will be required in order to achieve certain objectives of the government. Again, this will require having to look on the revenue matching cost and also from a point of being reasonable in terms of what should be the expected revenue flows from the given sector. So, we are talking about an all-encompassing, enhanced financial management programme being put in place.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** As Honourable Third Official Member went on in his substantive answer, he also said that the development of a draft Public Management and Finance Bill to replace the existing Finance Bill is the next significant step in the reform process. Now, the terminology there is the Public Management and Finance Bill. I would like to know, seeing as the committee dealing with this includes the permanent secretary of personnel, in some detail, if possible, exactly what are going to be the considerations with regard to the requirement of human capital training initiatives which would involve that same global outlook that he is talking about with the initiatives with regard to bringing personnel within the civil service to the point where they are able to perform the duties that are going to be required as the initiative moves along.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Unfortunately, I would not be able to respond in detail as the First Elected Member for George Town has requested. Because of my involvement with the external initiatives, the Deputy Financial Secretary has been chairing the committee. I will make an admission: I am aware of the initial draft of the Bill, but in terms of where it has reached now, it is very advanced. I have a copy of it on my desk but I have not gone through it in detail.

What is being proposed is for a meeting of the Financial Reform Team to be held within the next fortnight or month. At this time, the members of the team will focus on the Bill itself, its contents and we will try to establish the linkage that the honourable member has spoken of. I don't want to mislead the honourable member. This is an area where I will have to turn my attention because what you have just mentioned is of interest to me to ensure that all sectors are tying together in the process.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I again appreciate the Honourable Third Official Member being so candid. What I would just like a little comfort with is, understanding him not being able to give any detail at this point in time, can the member state where it says, 'Public Management and Finance Bill' if public management alludes to human capital development?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Yes, public management must recognise that very important aspect. If there are deficiencies in the Bill at this point in time . . . because we are talking about an integral part of the entire human resource base and the initiative as such. This is something we have to look at because that is the most important aspect in the process.

**The Speaker:** Are there any further supplementaries? If not, we will move on to Question 46 standing in the name of the First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, although you have not said so, I think that it is necessary for us to move for the suspension of the relevant Standing Order.

**The Speaker:** I would appreciate a motion for this.

#### **SUSPENSION OF STANDING ORDER 23(7) AND (8)**

**Mr. D. Kurt Tibbetts:** I so move, sir.

**The Speaker:** Do I have a seconder?

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I second that, sir.

**The Speaker:** In accordance with Standing Order 86, we suspend Standing Order 23 (7) and (8) in order that Question Time can continue beyond 11.00 a.m. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. Question Time continues.

**AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND 11.00 AM.**

**The Speaker:** The First Elected Member for George Town.

#### **QUESTION 46**

**No. 46: Mr. D. Kurt Tibbetts** asked the Honourable Member responsible for the Portfolio of Finance and Economic Development to explain what system is in place to determine the actual cost of any government project.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** The new Integrated Resource Information System (IRIS), which was introduced in 1999, has the ability to record the expenditures incurred against a financial allocation shown within the *capital development* programme. Generally, and where appropriate, financial allocations are assigned to individual capital projects or programme of projects. These allocations are assigned a unique 'project number' that remains with the project or programme for the life of that project/programme. The system now enables expenditure reports to be prepared on a project basis. Previously, Treasury could not electronically produce such project-specific reports.

Independent of the Treasury system, the Public Works Department (PWD) has a cost recording system call the Public Works Support System (PWSS). This system can only record expenditures incurred by PWD, whereas Treasury's system records project expenditures incurred by all departments. Until the IRIS system went live, PWSS was the only means of recording expenditure on a project number basis.

The cost of a capital project comprises expenditures incurred by departments in the site preparation, construction, professional fees and furnishing and equipping of a facility. Such costs include group employee labour, material purchases, equipment rental and contracts for construction works and consultant services.

The project cost does not, by past convention, include the cost of land purchased for the project. That cost is recorded under a separate cost centre called Purchase of Lands.

When a design, costing and project management work is executed by in-house staff or a department, such

expenditure is considered part of the department's recurrent budget expenditure and is *not* charged to the project. One exception to this convention is when staff are specifically engaged for a designated project or capital building programme (such as the Hospital project and the Education Building programme), the costs of these project management teams are charged to the relevant capital project.

### SUPPLEMENTARIES

**The Speaker:** Supplementaries, The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the Honourable Third Official Member state, seeing as the substantive answer said that this system was introduced in 1999, whether projects that were ongoing prior to this were included in the new system as it went on or whether since the new system was introduced in 1999 it would only involve projects that were beginning after the IRIS system was introduced?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Yes, the system in the Treasury Department captures information specific to each project that commenced in 1999. In order to obtain the full cost of the project, the information from the Treasury would have to link with the data that would have existed within the Public Works Department in order to establish the cost of ongoing projects.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** So, if a major project commenced (this is before 1999) and the Public Works Department was bypassed in the process and not involved in the project, is it fair comment to say that it might be physically impossible to determine exactly the cost of such a project?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** What the First Elected Member for George Town has alluded to is a possibility. But one would trust that the situation would have been remedied in that the agency in question, if it is an agency other than the Public Works Department, should have on hand comprehensive details in order to create linkage with the information in the Treasury in order to establish the project cost. But the First Elected Member will recall that the capital budget for 1999 and 2000, the formatting of the information has been done on a project specific basis to show the initial cost of the project in question, which would mean that from the commencement of the project what will be required in a given year and also what will be the cost to completion.

So, we do trust that wherever the information would be prior to 1999, whether it is with the Public Works Department or other agencies, that linkages can be made in order to achieve completeness of the financial information if called upon for such information to be reported.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can he state if prior to this IRIS system being introduced there were any concerns raised about generic or specific projects because it was obvious within the system that it was almost impossible to track the correct project cost of such project?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Concerns have always been raised in regard to the system and the methodology used in terms of the tracking of information. The Public Works Department has been the agency of capital projects or has been acting as the agent of most departments and sections within government.

If we were to think in terms of the evolution within the financial system of the government, we came from the days of colonial regulations which we had until 1985. Subsequent to that the Public Finance and Audit Law, and the Financial and Stores Regulations were introduced. It was felt that piece of legislation and accompanying regulations were seen as a significant improvement. It reached to the stage where we found that certain deficiencies were identified and when operate a cash accounting system we know it allows for certain deficiencies.

We saw where activities could have been done differently or with a given level of improved efficiency but because of the fact that the system of accounting has certain weaknesses, as a result of that, fingers were pointed at those weaknesses as to excuse why certain deficiencies came about.

So, the level that we are going on to now should remedy these deficiencies and should obviate the need for excuses to be made because what we will have now is a very precise system. Controlling officers or persons participating in the process will receive the relevant training and it is of such that given the level of enthusiasm that we do have at this point in time it would suggest that this is a welcome change and that various departments in Government is looking at this as a significant improvement over what currently exists.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I want to bring to the Honourable Third Official Member's mind all of the goings on surrounding the Pedro St. James Project. Without putting that member to task with specific questions in a myriad of areas but hoping that member might appreciate in general terms concerns that I may have, can the honourable



member state if, given the improvements that are now at hand and the continuing improvements that are anticipated within the system going from cash based to accrual, et cetera, and the accountability process which will most certainly be enhanced especially by the financial reform initiatives, if he thinks that it would be possible for any major government project in the future to be handled in the manner in which that one was handled?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** As the Honourable First Elected Member for George Town can appreciate there are certain aspects of his question that are very delicate. I should say that given the level of transparency, given the system that will be put in place, given the procedures that will have to be observed it is very much unlikely that problems that are inherent in the existing system will be carried over into the new system. At the end of the day one must bear in mind that regardless of what system is put in place unless there is a willingness on the part of everyone to observe the rules and to make the system work as it should deficiencies will occur.

But we do trust, given the heightened level of awareness, transparency and participation of everyone, and the budget process and accountability, that we will see significant improvements.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the Honourable Third Official Member would say how he proposes to ensure that the proposed estimate project cost as it appears in the budget document is the true figure for the cost? We can use the East End/Gun Bay Community Centre as an example of one figure appearing and at the end of the day it costed much more.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** First of all, a given project will commence with the award of a contract. The contract will be for a specified sum of money. The information is now being aggregated in a given centre, which is the Treasury Department. The information in that database will be accessible to the Public Works Department, to the Treasury Department and other persons that are authorised to have access to this. As a result of that each payment will be debited to this project. It will allow for the up-to-date information to be provided. So, the information that is made available to Honourable members of this House will be taken from Treasury's database and it will be based on expenditures and commitments that would be recorded up to that point in time.

So, as a result of that, at any point in time the true cost should be recorded. The only way that this will not be is if there are discrepancies in the posting and other areas and these should be picked up because these differences will be highlighted.

**The Speaker:** Are there any further supplementaries? If not, in accordance with Standing Order 23(3), we shall return to question number 42 standing in the name of the First Elected Member for West Bay.

## QUESTION 42

**No. 42: Mr. W. McKeeva Bush** asked the Honourable Acting First Official Member responsible for the Portfolio of Internal and External Affairs to say: (a) what criterion was used to award Caymanian Status to athletes recently; (b) how many were granted status; (c) upon whose recommendation was the status granted; and (d) from which sports' clubs did the recipients come.

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** The answer as per the breakdown of the question:

- (a) the criteria used were:
- the athletes had been representing the Cayman Islands for more than two years;
  - the governing bodies of the respective sports considered them suited and needed to continue in this role; and
  - the governing bodies considered their participation to be essential to the ability of the national team to compete at levels which would benefit the Caymanian members of the team and benefit the respective sports locally in general;
- (b) six person were granted status;
- (c) the recommendation for Caymanian status came from Honourable Ministers and Members of Executive Council and His Excellency the Governor, as President of the Executive Council, accepted the advice;
- (d) in considering the recipients, no mention was made of the sports' clubs from which they were associated and I am unaware of the sports' clubs of which they came.

## SUPPLEMENTARIES

**The Speaker:** Supplementaries, the Elected Member for North Side.

**Mrs. Edna Moyle:** Would the Honourable Acting First Official Member tell the House how long these persons were living in the Cayman Islands and what are their connections to the islands other than sports?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** Each of the individuals has been living in the islands for some period of years and has some other connections. I would happy to provide that information in writing.

**The Speaker:** Do you have a follow-up?  
The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker, and I wish to thank my colleague for yielding. Can the Honourable member tell the House why when the government announced that a moratorium is in place on the granting of Caymanian status, why at the time this grant was made to these athletes a statement was not forthcoming from the government explaining why such a grant had been made and trying to convey an understanding and some semblance of a policy to the many hundreds of applicants who have their applications in at this time for Caymanian status?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** All I can say is that hindsight is always 20/20 and may be that would have been the best thing to have been done at the time. I can appreciate why others in the community would find the issue a sensitive one but unfortunately that was not done at the time and I really cannot say precisely why. I don't think there was any conscious decision taken that it should not be done. It is probably just a case of not communicating to the best of our abilities at the time.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Member tell the House how the government is going to deal with such applications in the future now that this precedent has been set in granting Caymanian status to these athletes?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** I expect that the government will have to be mindful of the precedent and at the same time I don't think that it will necessarily feel itself bound to in all cases. I think it will consider any future requests on their merit and along similar guidelines and will obviously be mindful of what it has done in the past.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** In regard to what the Honourable Member just said, maybe he should search out why teachers who have been here for 27 years has not been able to get Caymanian status. But arising from the substantive answer, can the member say why didn't these persons play in the games in Cuba for which they were granted status? And is it not so that the team was disallowed in Cuba?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** I have no basis of answering any of those questions unfortunately.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** I well understand the role of the Honourable Member answering. But he did say that the governing bodies considered their participation to be central to the ability of the National Team to compete at levels which would benefit the Cayman members of the team and would benefit the respective sports locally in general. That's why I asked the question why didn't they play in the games in Cuba for which they were granted status?

Mr. Speaker, I will ask a further supplementary, sir. In answering (d) it says that no mention was made of the sports club from which they were associated. Can I ask then why when honourable members made the request? Didn't they provide information on what club these persons from come or played with? I would suspect that would have been the relevant information to guide members of council. Is it not so?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** My understanding is that the information was provided by the respective governing bodies and I am not aware of any information having been provided in respect of the parent sports club.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** Someone used the term that it seems like we have to 'extract teeth' this morning.

Is the member saying that Executive Council sits down and grants such a thing as Caymanian status that is so hard for hundreds of people to get without having . . . well persons who have been here for up to thirty years without getting information pertaining to where these persons came from. I should ask, also, what were the nationalities of these players?

Where they came from?

How did they get into the national team?

Which club they belong to?

Executive Council members did not seek to ask those questions they just up and granted it so! I don't believe that and I would like information. I think this House deserves information because for far too long we have been talking about Caymanian status and we cannot get any answers.

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** I have no information as to which clubs any of the grantees came from. Now, if the member wishes for me to research the matter further and go back to the governing association and try to ascertain that information and provide it to him in writing, I will be

happy to. But I don't have the information that I can give him in this House this morning.

**The Speaker:** The First Elected Member for George Town.

**Mr. W. McKeeva Bush:** I don't want to pressure my good friend, the Acting Chief Secretary, because I see that the question was very evasively crafted. I would ask him to undertake to provide that information because it is serious enough for us to know. This is a serious precedent.

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** I have no hesitation in giving the member the undertaking that I will provide that information.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I wish to impose another request upon the Honourable member, and I have the greatest respect and realise that this morning he is in an untenable position because he is just in an acting capacity. What I would like to impose upon him is that he request of the relevant authorities that in further when these steps are taken that they can be fully published, that is, they include names of the grantees and the basis on which the decision was taken. Because even us as members of the Legislative Assembly have no knowledge of this except that we took a little stroll on the Marl Road and picked it up during that stroll. In an age when the government is giving itself plaudits for being transparent this was a most opaque action.

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** I acknowledge the views expressed by that Honourable Member and also his suggestion as to how any future matters perhaps should be better publicised. I will take that on board and will convey it to others who are normally part of this process.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** This will be a two-part supplementary. Could the Honourable Acting First Official Member tell the House what are the nationalities of these sport persons that have been granted status? And, could he tell us under what section of the Immigration Law were they granted status?

**The Speaker:** I think he answered the first part of that. The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, it sounds like I am going to get an answer from some of my colleagues.

I think the two things which I did not answer were how long they had been here individually and what were their respective connections with the Cayman Islands. I was not asked what were their nationalities.

The nationalities I can say are: three Jamaicans, two Hondurans, and one Costa Rican.

The other part of the question related to under what section of the law . . . I think it would be under section 15(d) of the Immigration Law 2000 (Revision) which reads: "**A person shall, for purposes of this Law, possess Caymanian status if- (d) the Governor, in his opinion finding special reason for so doing, grants such status to him.**"

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the Honourable Acting First Official Member is in a position to say if persons who are of Caymanian descent, two grandfathers were Caymanians and have been in this country 30 plus years, given a British passport on arrival, then married for 37 years with seven children, is entitled to make an application under that same section to the Governor in Council?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** I know of no reason why that individual or anyone else could not make an application to the Governor under that section.

**The Speaker:** Are there any further supplementaries. If not, that concludes Question Time for this morning.

Moving on to Item number 5 on today's Order Paper, Government Business, Bills, First Reading. Suspension of Standing Order 46. The Honourable Acting First Official Member.

#### SUSPENSION OF STANDING ORDER 46

**Hon. Donovan Ebanks:** I beg to move the suspension of Standing Order 46 to allow a Bill entitled The Immigration (Amendment) Bill 2000 and a Bill entitled The Trade and Business Licensing (Amendment) Bill 2000 to be read a first time.

**The Speaker:** I shall put the question that Standing Order 46 be suspended. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 46 SUSPENDED.**

**The Speaker:** Bills, First Reading. The Immigration (Amendment) Bill 2000.

## GOVERNMENT BUSINESS

### BILLS

#### FIRST READING

##### THE IMMIGRATION (AMENDMENT) BILL, 2000

**The Clerk:** The Immigration (Amendment) Bill 2000.

**The Speaker:** The Bill is deemed to have been read a first time and is set down for a second reading. Bills, First Reading.

##### THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 2000

**The Clerk:** The Trade and Business Licensing (Amendment) Bill 2000.

**The Speaker:** The Bill is deemed to have been read a first time and is set down for a second reading. Bills, Second Reading.

### SECOND READING

##### THE ELECTRONICS TRANSACTION BILL, 2000

**The Clerk:** The Electronics Transaction Bill, 2000

**The Speaker:** The Honourable Minister for Education, Aviation and Planning, I think will be replying to this Bill.

I think I will have to suspend proceedings for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 11.40 AM

#### PROCEEDINGS RESUMED AT 12.13 PM

**The Speaker:** Please be seated. Proceedings are resumed. The Second Reading on the Electronics Bill, 2000.

The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddin:** Mr. Speaker, I move the second reading of a Bill entitled The Electronics Transactions Bill, 2000.

**The Speaker:** The Bill has been duly moved. Do you wish to speak to it?

The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddin:** Mr. Speaker, what I present in my opening here today has to be attributed to the

Honourable Minister for Tourism, who is on official business abroad together with the Honourable Third Elected Member from George Town, both of whom made up the Chairman and the Legislative Assembly representation on advisory board committee which I will give the names at a later stage.

I present this Bill on behalf of the Ministry of Tourism. Members will recall that late last year, the government accepted a private member's motion, brought by the Third Elected Member for George Town and seconded by the First Elected Member for George Town, that called on government to actively encourage the development of e-commerce within the Cayman Islands, to ensure that the supporting technical infrastructure was put in place and to enact an electronics transactions law suitable to the needs of these islands which embodies an appropriate set of internationally accepted regulatory standards.

As a consequence, Executive Council appointed an E-Business Advisory Board made up of representatives of both the private and public sector with my honourable colleague, the Minister of Tourism, Commerce, Transport and Works as chairman. The members of that board—whom I would very much like to thank on behalf of the ministry—are the Honourable Chief Secretary, Mr. James Ryan; the Honourable Financial Secretary, Mr. George McCarthy; Mr. Michael Kiron, who was designated by the Minister of Communications and Agriculture; Mr. Charles Clifford, whom I would especially like to thank, he is the Senior Assistant Secretary in the Ministry of Tourism and who really bore the brunt of moving this Bill forward; the Honourable Attorney General, Mr. David Ballantyne; Mr. Dave Archbold, Director of the Information Technology Strategy Unit; Mr. Wil Pineau from the Chamber of Commerce; Mr. Tim Adam from Cable & Wireless, Mr. Olivaire Watler of Maples and Calder; Sir James Knapp; Mr. Stuart Diamond; Mr. Moses Kirkconnell; Mr. Jeremy Hurst; Mr. Casey Gill, Miss Celia Yates; Mr. Gilbert McLaughlin, the Director of Computer Services; Mr. Chris Ross; our first Legislative Draftsman, Mr. Clive Grenyer, and me.

The Board quickly determined that in the short term, two new pieces of legislation were required: an Electronic Transaction Bill, to remove uncertainty and promote confidence in electronic transaction; and the Misuse of Computers Law, to criminalise certain acts such as the theft or destruction of information held electronically.

The Director of Information was appointed the instructing officer for these pieces of legislation. I would very much like to thank Mr. Archbold for his hard work in this area. Together with a seven-man subcommittee of the advisory board charged with preparing a draft for consideration by Executive Council, he has completed the work and the draft Bills have been accepted by Executive Council.

As stated in the Memorandum of Objects and Reasons, the objects of this Bill are:

- To enhance the reputation of the islands as an international business centre

- To facilitate electronic transaction and a technology neutral basis by means of reliable electronic records to remove uncertainties in relation to conducting transactions electronically with respect to the requirements for documents and for signatures to be in writing
- For more public confidence in the validity, integrity and reliability of conducting transactions electronically and to promote the development of the legal and business infrastructure necessary to implement electronic transactions securely.

In preparing this Bill, the drafting subcommittee adopted three basic principles from the outset. First, technical neutrality: The draft Bill avoids referencing any specific technique or technology of the creation or validation of electronic records and electronic signatures. Technologies are developing so rapidly that currently accepted techniques and standards are likely to be augmented or suspended within months. Were they incorporated within the Bill, it therefore would very quickly become out of date.

Instead, such technical references as required will be included in the relevant regulations—these can be amended more quickly. This is the approach currently being adopted by the United Nations Commission on international trade law (UNITRAL) and in the majority of national jurisdictions. The disadvantage of the technical neutrality approach is that the wording of the legislation can sometimes be slightly cumbersome and can appear less specific than might otherwise be the case.

The second principle, sir, was functional equivalence. The aim of the draft Bill is to provide a level playing field for the use of either paper-based or electronic documents. It does this by identifying electronic equivalence of the functions performed by paper documents and giving them the same standing in law. It should however be noted the electronic records can provide the same level of security as paper, in many cases and in some instances a much higher degree of reliability and speed especially with respect to the identification of the source and the content of the information provided that a number of technical and legal requirements are met.

However, the adoption of the functional equivalent approach should not result in imposing on users of electronic commerce more stringent standards of security and related cost than in paper based environment. The electronic record should enjoy the same level of legal recognition as corresponding paper documents performing the same function, no more or no less. Again, this is the approach adopted by UNITRAL and most other jurisdictions.

So, Mr. Speaker, it is meant really to ensure that there is a level playing field and that the two different types of transaction, paper and electronic, are really not put into a competitive position.

The third was business and regulatory equivalence. In many respects, this concept is merely a logical extension of the functional equivalence. It is the view of the drafting subcommittee I am instructing, that electronic commerce should be regarded merely as an additional

business tool in the same way as fax machines or television advertising once were new tools.

In a majority of instances, existing administrative and regulatory bodies can and should continue with their existing responsibilities modifying their regulations and procedures where appropriate. We should avoid imposing additional layers of bureaucracy merely because a company begins to conduct business over the Internet. For example, we would expect the Monetary Authority to continue to regulate all financial institutions whether or not they were conducting e-business.

Exceptions to this general principle that has been put forward by the committee include:

- New types of business with no traditional equivalents, which the government wishes to regulate to instil business confidence, prevent criminal activity or protect Cayman's reputation. For example, with information, security, service providers.
- New functions with no traditional equivalent such as data protection or internet domain management; and
- Lastly, the establishment of regulations or codes of conduct covering what is and what is not acceptable use of the Internet by Cayman intermediaries and e-commerce service providers. For example, there should be no pornography and no gambling. Such regulators may be restricted to a certain class or classes of e-commerce service provider.

Mr. Speaker, the subcommittee carried out extensive research into existing and proposed legislation in other jurisdictions. There most important sources were the United Nations Commission on International Trade Law (UNITRAL) Model Law on Electronic Commerce 1996; UNIRAL Draft Uniform Rules on Electronic Signatures, February 2000; The European Union Directive on a Community Framework for Electronic Signatures, December 1999; European Union Draft Directives on Certain Legal Aspects of Electronic Commerce in the Internal Market, 1999; the Bermuda Electronic Transaction Act, 1999; United Kingdom Electronic Communication Act, 2000; the United States Uniformed Electronic Transaction Act, 1999; the Canadian Uniformed Electronics Commerce Act 1999 and Digital Signature Guidelines by the American Bar Association.

Members also might like to know that in addition to reviews of the draft by many local attorneys, comments and suggestions were obtained from specialist e-commerce law practices in both London and Washington.

Mr. Speaker, I would now like to give an overview of the provisions of the Bill:

- Clause 1 provides the short title.
- Clause 2 has a list of definitions. Mainly these are modelled on international accepted terms and the committee feels that many of these are better crafted than in other jurisdictions.
- Clause 3 are exclusions and the Bill has been drafted to enable as wider a range of electronic transactions as possible and the only exclusion of wills and other testamentary instruments. However,

the bill does give the Governor-in-Council authority to exempt by regulation any matter that they see fit from all or some of the provisions of the Bill.

- Clause 4 enables certain parts of the law to be varied or excluded from a transaction through mutual agreement.
- Clause 5 applies the law to the private and the public sector. Government departments are however not required to accept or process electronic records until a notice to that effect has been published by the appropriate member of Executive Council or minister. This is necessary to allow the government departments time to put in place the necessary systems and procedures. But I have been assured that they will be keeping up with the times and moving as quickly as possible ahead with putting these systems and procedures in place.

Part II of the legal requirements respecting electronic records with the aim to put the electronic records on the same legal footing as paper records. It is based on the UNITRAL 1996 Model Law and most of this has been adopted from that.

- Clause 6 states the fundamental concept that no information should be denied legal effect solely on the grounds that it is in the form of an electronic record. The evidential test will remain the same as for the paper transactions.
- Clause 7 provides that wherever there is a legal requirement for something to be in writing other than a will or any testamentary document such as a codicil that requirement can be met by information in the form of an electronic record.
- Clause 8: Enables electronic records to meet the legal requirements of delivery of a paper transaction provided that the format and means of delivery have been agreed by the parties involved and that when the originator has requested that delivery be acknowledged he address he has knowingly done so.
- Clause 9: Deals with circumstances where a document that is required to be presented or retained in its original form, where evidence of the original form of a document is required it can be satisfied by an electronic version of the document.
- Clause 10: Sets out the conditions to be complied with if the requirement to retain a document is to be established by the retention of an electronic version.
- Clause 11: Provides that a requirement to make documents available for inspection shall be satisfied if a perceived electronic version is produced.
- Clause 12: Deals with the admissibility of electronic evidence.

Part III is the formation validity of contracts.

- Clause 13: This states basically that an acceptance of an offer in contract or both may be expressed by electronic record and that payment may also be made electronically. The electronic statement should not be denied legal effects solely because it is an electronic record.

The communication of the electronics record are at four, covers the attribution, acknowledgement, time and date of sending and receipt of electronic records together with the effect of changes or errors in the transmission of such records.

The clauses are from Articles 13 through 15 of the United Nations Model and one part has been taken from the United States Uniform Electronic Transactions Law.

- Clause 14: Deals with the attribution of electronic messages. An electronic message is attributable to a person if it is sent by him or by his agent, whether electronic or otherwise. It sets out the conditions to be complied with if an addressee of an electronic message is to be able to attribute the message to the originator of the message.
- Clause 15 provides for circumstances where changes or error in the transmission of an electronic message.
- Clause 16 makes provision to govern the validity of acknowledgements of electronic messages and the circumstances where an electronic message may be presumed to have been receive.
- Clause 17 sets out the presumptions to be made about the time and place of sending and receipt of electronic messages.

Now, turning to Part V, which is electronic signatures. Part V does basically for electronic signatures what Part I does for electronic records and it puts them on a legal footing, the same as you would get a pen signature on paper. Based again on the UNITRAL Draft Uniform Rules for electronic signatures of February 2000—this is very up-to-date—and the European Union directives on electronic signatures of December 1999.

Mr. Speaker, no other jurisdiction that we know about has yet enacted legislation based upon the concepts contained in these references and we believe that this gives Cayman a significant, although perhaps a temporary competitive advantage.

- Clause 18 ensures that no electronic signature is denied legal effect solely on the grounds of the methods used to create it.
- Clause 19 provides that where a document has to be signed, if the document is in electronic form the signature may be electronic. It provides a number of conditions that have to be complied with if the signature is to be reliable for the purposes of this law.
- Clause 20 enables regulations to be made.
- Clause 21 provides for the consequences of a person who fails to verify in accordance with the procedures set out in the law, an electronic signature.
- Clause 22 makes provision for the conditions that have to be complied with before a foreign electronic signature, or the certificate attached thereto, will be recognise. Subclause (1) states that neither the place of issue of a digital certificate or an electronic signature nor the jurisdiction in which the issuer has his place of business should be taken into account in considering whether or not the signature certificate is

legally effective. So, the thrust there is towards a global view of this very global matter.

*[Inaudible comment]*

**Hon. Truman M. Bodden:** Information technology is one that has really made the world a much smaller place from a commerce point of view. Someone really can sit in an office anywhere in the world, and access anyone anywhere else in the world these days.

- Clause 23 provides for electronic notarisation of documents and signatures.

Part VI is information security service providers. An important element of electronic commerce is the involvement of so-called trusted third parties who vouch for the authenticity and reliability of the parties to an electronic agreement. This is necessary, sir, because the parties may be completely unknown to one another. The trusted third parties indicate their endorsement, for example by issuing digital certificates and associated electronic signatures to their customers. These trusted third parties can provide other information, security services in addition to certificates and signatures are known as information security service providers in this Bill.

They may be specialist providers of such services or banks in similar organisations may wish to provide such services to their customers.

Clauses 24 - 27 of the part of the draft Bill are based on Part I of the United Kingdom Electronic Communication Act 2000, which has just recently received royal assent. The two most significant changes to the UK context are the replacement of the term cryptographic service with information security service provider for the reasons given previously and the transfer of some sections from the substantive law to the regulations in order to increase flexibility.

It should be noted, sir, that the registration scheme is a voluntary one. Proposed arrangements to also implement the principles laid down in the European Union Directive on electronic signatures.

Clauses 28 - 32 are modelled on the United Nations Draft Uniform Rules on Electronic Signatures.

Mr. Speaker, I getting near to end of what I have to say but I would just like to mention what these remaining clauses deal with in a general way.

- Clause 24 enables the provision and maintenance of publicly accessible register approved information security services and for the making of regulations in that connection.
- Clause 25 makes further provision for the making of regulations governing the granting of approvals to providers of information security services.
- Clause 26 makes provision for the confidentiality of information obtained for the purposes of the grant of approvals to information security service providers or obtained by information security providers in the course of providing their services.

I understand from the drafting committee that the wording of the United Kingdom act has been amended to take into account our confidential relationships preservation law.

- Clause 27 defines further the concept of information security service providers following the United Kingdom act. The aim is to exclude from the provisions of the bill, vendors of quotes, standard off the shelf closed quotes, hardware or software that happen to include encryption facilities as a part of their functionality. As the public knows, encryption deals with the security aspect of the message.
- Clause 28 regulates the responsibilities of an information security service provider, once again based on the UN Model.
- Clause 29 enables regulations to be made to govern technical and other matters to be taken into account when assessing the performance of the information security service providers.
- Clause 30 enables the matters to be specified in a digital certificate (as defined in the Bill) to be prescribed by regulation.
- Clause 31 sets out the duties and responsibilities of a signature device holder.

Part VII limits certain provisos to criminal and civil liability of any intermediaries and e-commerce service providers for certain actions of a customer with respect to electronic records stored on or processed by or pass through their systems. These principles are laid down for all EU countries in Articles 12 - 14 of the EU directive.

On certain legal aspects of electronic commerce in the internal market and the actual wording is apparently from the Isle of Man Electronic Transaction Bill 2000. There are similar provisions with somewhat different wording in section 27 of the Bermuda Electronics Act 1999.

- Clause 32 sets out, as seen in the law, what I have just mentioned under this part.

Part VIII is data protection and this part is to allow companies to voluntarily comply with EU regulations governing the export of personal information to non-EU countries. Failure to comply could result in that flow of information being stopped. These provisions are consistent with the safe harbour principles that have been negotiated between United States and the EU Commission. However, this agreement was reached only very recently and as yet to be ratified by member states. By leaving the details of this provision to the regulations we should be able to incorporate any last minute changes. Provisions are similar to section 26 of the Bermuda law.

- Clause 33 authorises the Governor to make regulations.
- Clause 34 is based upon section 26 of the Bermuda Electronic Transaction Act and it deals with information security service providers issuing digital certificates and matters relating to the transfer of personal details to law enforcement agencies for investigation or when otherwise required by law.

Part IX which is miscellaneous sets out regulation making hours.

- Clause 36 defines the situation which arises when an offence is committed by a body corporate, that is, by a company.
- Clause 37 is the general power to make regulations on any matter necessary for carrying out the purposes and provisions of the law.
- Clause 38 makes clear that nothing under the law confers the power to impose the requirement on any person to deposit a key for electronic records with another person referred to as a key escrow. This is consistent with the policy of the EU and more recently by the United States.

Mr. Speaker, the view of the Minister and the Third Elected Member for George Town who are the lead persons on the political side who have propelled these Bills along, and indeed the view of the e-commerce committee itself, and I believe of the drafting committee which is substantially made up of members of the committee, is that, these laws will bring the Cayman Islands fully into the 21<sup>st</sup> century of e-commerce, of information technology. It will put us in some instances ahead of competing jurisdiction and it will provide a basis which coupled with what we would hope and expect Cable & Wireless to do with the lowering of rates in these areas will provide a new and alternative and a thriving business for the future of the Cayman Islands.

I have no doubts, sir, that amendments will have to be made to these laws perhaps far more often than most other laws because we are in a world of rapidly changing technology and the computer of last month, many times, is outdated this month. Definitely, the computer and the technology of last year is well out-of-date by this year. But I believe that the team that has put this together with the leading members, the Minister of Tourism, and the Honourable Third Elected Member for George Town have done an extremely good job. A lot of hard work has been put in especially by the drafting committee and the legal draftsman, the Attorney General.

Once again, I would like to thank all members of the committee and members of this House for their support on that motion and I believe their support of this Bill. I am very happy that this will provide an alternative yet a modern and very developing and advancing new business for the Cayman Islands. As we have moved into a new century only recently, sir, it is really fitting that the Electronic Transactions Bill is in the year 2000. It is a good year to begin this new century. Thank you.

**The Speaker:** The question is that a Bill entitled the Electronic Transactions Bill, 2000 be given a second reading.

It is my understanding that before we go into the debate on this Bill that it is the wish of the House that we adjourn in order that select committees and other meetings can be held. I would entertain a motion for the adjournment.

The Honourable Minister for Education, Aviation and Planning.

## ADJOURNMENT

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 am tomorrow.

**The Speaker:** I shall put the question that this Honourable House do now adjourn until 10.00 a.m. tomorrow. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. This Honourable House stands adjourn until 10.00 a.m. tomorrow.

**AT 12.56 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 20 JULY 2000.**



**EDITED  
THURSDAY  
20 JULY 2000  
10.31 AM**

*[Prayers read by the Elected Member for North Side]*

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

Item number 2 on today's Order Paper, Administration of Oaths or Affirmations. Oath of Allegiance to administered to Mr. Samuel Bulgin to be the Honourable Temporary Acting Second Official Member.

Mr. Bulgin will you come forward to the Clerk's table, please? Would honourable Members please stand?

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**

*(Mr. Samuel Bulgin)*

**Mr. Samuel Bulgin:** I, Samuel Bulgin, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

**The Speaker:** Mr. Bulgin, on behalf on all honourable Members I welcome you to this Legislative Assembly for the time of your service. Please take your seat as the Acting Temporary Second Official Member.

Please be seated.

Item number 3 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have apologies from the Honourable Second Official Member who will absent today and tomorrow.

Moving on to item number 4 on today's Order Paper, Questions to Honourable Members and Ministers, Question 47 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 47**

**No. 47: Mr. D. Kurt Tibbetts** asked the Honourable Third Official Member responsible for the portfolio of Finance and Economic Development if Government is giv-

ing any consideration to making the Monetary Authority the regulatory body for commercial interest rates in the Cayman Islands.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Up until this time the Government has not considered making the Monetary Authority the regulatory body for commercial interest rates in the Cayman Islands. However, as mentioned in Private Member's Motion No. 11/2000, recommendation will be made for the Monetary Authority to become involved with the clearing banks in the setting of interest rates.

**SUPPLEMENTARIES**

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** If the Monetary Authority would not be acting as a regulatory body, can the Honourable Third Official Member then state how they can be involved in any meaningful manner with the clearing banks in deciding the commercial interest rates?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, that is a very good question and it is one that will have to be explored. But I am sure the honourable Member recognises that normally in countries where we have the local regulatory agency involved in the fixing of interest rates, there is normally in place a central banking structure. This central banking structure normally has a given level of independence in order to regulate the financial industry on behalf of the government.

In this instance, it would be a bit unusual for the Monetary Authority to become involved working with the clearing banks in the setting of interest rates. I do believe that it is a viable option, and one that should be explored because in the absence of the Monetary Authority becoming involved, the other arm that would have to take up this responsibility would be Executive Council. I think it is much better to have the Monetary Authority.

I don't think it would pose a conflict of interests because we know in countries where there are central banks, they have the responsibility of the setting of interest rates in terms of working with the local financial institutions and also the regulation of those institutions within their respective financial communities.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Perhaps, it is also fair comment to say that there are territories that do not have central banks but have agencies parallel to our Monetary Authority that actually operate as the regulatory body.

While the Honourable Third Official Member has said that the autonomy of such a body would be important for the role it plays, why then would it really pose a problem in the future if the Monetary Authority acquires this independence and this operation? Why would it be a problem to operate as a regulatory body rather than just joining the mix?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Before we get to the Monetary Authority and its independence, we have to look in terms of the mechanisms that governments normally use in order to regulate economies, that is, to expand and contract.

We normally find that it is carried out by two functions. Normally, there is the fiscal approach, and this is used in the area where taxes are levied and also benefits are extended to corporations to create inducements. The second approach will be the monetary policy. Again, this is an area that is used quite effectively by quite a number of countries where normally a central banking function is put in place, or a parallel.

For example, in the United States, they have the Federal Reserve system and this is very much similar to a central banking function. What we have in the Cayman Islands at this point in time is the Monetary Authority. We need to have an organisation with the research capacity to understand what is happening within the economy that can explore and do research as necessary to support decisions that are taken in a rational way within our financial industry. On this basis, if we commence at this point (and this will be the recommendation that we begin to explore ways and means whereby we can have an agency of the Government to meet with the clearing banks and to sit in dialogue with the clearing banks to determine how interest rates should be adjusted) this should not create a conflict of interest in terms of the regulation of those financial institutions. The regulation deals with good management and prudence.

On the fixing of interest rates, we are looking at a mechanism that will seek to maintain a balance within the community or within the Cayman Islands society—a balance whereby benefits will accrue not only to a given sector but the entire sector. When I say that, it means in looking at what is supposed to be the equilibrium or the benefit; the fixing of interest rates in terms of the impact that will have on the local community, while at the same time bringing about the benefits that are being sought by way of profits to the banking community.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** With the greatest of respect, I think the member is hedging his answer. That is my opinion.

I don't accept what the member has said as being in line in what makes sense. In the interest of transparency how can the member suggest that the Monetary Authority should simply talk with these people and not be in a position to have any checks and balances? That is my understanding of what he is answering me—that you are simply going to talk to them to decide on these rates.

The Monetary Authority in my view should either have a regulatory position or not be involved at all, as it is now. The position that obtains in the country is that the clearing banks between themselves and themselves alone make that decision. No one suggests that their decisions are wrong, but there are no checks and balances in place. In my view, the Monetary Authority would be the only body that could be used. Surely, the government would wish to pursue a position where transparency exists in the procedure. Also, they would wish to know that there is a check and balance in place that the public is satisfied with the procedure.

Could the Honourable Third Official Member state if it is not the best position for the government to get to where the agency acts as a regulatory body rather than simply joining forces to make a decision?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** The First Elected Member for George Town is very much correct in saying that I am hedging my answer. When the government commences discussions with the financial institutions, it will have to be by means of exploring the various options and the role that the Monetary Authority could play in this exercise. We do not know at this point in time, for example, whether there are sufficient Cayman Islands dollars within the local banking community in order to support the mortgages that are being granted.

We do not know how many deposits are being laid off overseas. We do not know in terms of the variations in interest rates that are there. It is necessary for a thorough research to be done in order to fix the position or the role that the Monetary Authority will play in this exercise—it could be by way of legislation.

The banks could agree that there are different methods to use in terms of fixing interest rates rather than adjusting rates, for example, every time there is movement in the PRIME rate within the United States. We know, for example, when the Federal Reserve Board decided that it was going to increase interest rates in May of this year by one-half of one percent, it was also done here in the Cayman Islands. We know what PRIME rate means—this is the rate that is extended to preferred customers. This was increased again by a further 3% to bring it to 9.5%.

The First Elected Member for West Bay said that in the United States he had information whereby mortgage rates were not adjusted over and above the PRIME rate (that is, 9.5%), some of them were kept under the 9.5%. We know here that in addition to PRIME that there is a further 300 basis points, or 3%, added to bring it to 12.5%.

So, it is necessary to look at all of these variables and come to a decision. This will be a conscious and significant move by the government in terms of moving into this area. So, it is one of such that will have to be explored and researched. I agree that it would be good to have an institution with the capacity to regulate the fixing of interest rates. But let us take that decision, or say that this is the most viable option when we have done the research and we have arrived at a point in time where the research and the findings from that research support that conclusion.

**The Speaker:** Are there any further supplementaries? If not, we will move on to Question 48 standing in the name of the Third Elected Member for Bodden Town.

**QUESTION N 48**  
*Withdrawn*

**Mr. Roy Bodden:** Mr. Speaker in light of the fact that the government gave an undertaking in Private Member's Motion NO. 11/2000, I would crave the leave of the House to withdraw this question in the interest of the foregoing and also in the interest of time.

**The Speaker:** Do we have a seconder for that?  
The Elected Member for North Side.

**Mrs. Edna Moyle:** I beg to second that.

**The Speaker:** A motion has been made that this question be withdrawn. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. Question 48 has been withdrawn.

**AGREED: QUESTION 48 WITHDRAWN.**

**The Speaker:** Item number 5 on today's Order Paper, Other Business, Private Members' Motions, Continuation of debate on Private Member's Motion No. 10/2000, the Establishment of a "Safe House" for Battered Women and Children. Does any member wish to speak?  
The Third Elected Member for Bodden Town.

**OTHER BUSINESS**

**PRIVATE MEMBER'S MOTION**

**PRIVATE MEMBER'S MOTION NO. 10/00**

**ESTABLISHMENT OF A "SAFE HOUSE" FOR  
BATTERED WOMEN AND CHILDREN**

*(Continuation of debate thereon)*

**Mr. Roy Bodden:** I wish to make a brief contribution to this debate. I am going to offer what I hope will be accepted as constructive criticism and some direction in which I think we should go with this motion.

I believe that the time has come for the establishment of such a facility in these islands. However, the establishment of this facility is not without some challenges, and I would suspect that we would need to have some idea of what we are talking about in terms of accommodation, how many persons we would be thinking of catering to and over what time. Now, to the best of my knowledge no survey has been done.

One of the concerns I have with this kind of project, Mr. Speaker, is that it is just like Gresham's Law. That says that work expands to fill the time. We have to be careful that when we construct this facility that we are not caught into a bind where we have to keep enlarging the facility or keep constructing more. What we have to establish from the outset is some kind of policy and plan that is definitive and does not end up in these people staying in this facility for the balance of their lives. Have some kind of system in place where this can just be like a transition point.

In that regard, I would suggest, as I have suggested before in tackling some of our education problems where we experience dysfunction amongst students, these kinds of solutions are best done through an integrated approach. In this case, I am suggesting that the integrated approach include the ministries and their departments, Social Services, Community Affairs and to a lesser extent, education. Presumably, many of these women who come are going to have to come with their children and the kind of situation we could have is where is this facility going to be. If it is in George Town, what is going to happen to someone who has to come from East End with two or three school aged children and has to be resident in a facility in George Town and those children were going to the primary school in East End? It is not without some challenges.

And if they have to be resident in the facility for three months, we have to ensure that there is a smooth transition. If the children are coming from East End and the mother is in residence in a home in George Town, I would assume that the children would have to be placed in a school in George Town temporarily.

So, let us not delude ourselves into thinking that once we have constructed the facility that is the end of the problem—that may just be the beginning of the challenge.

I notice that this is an election year, well into election time, and the government seems to have taken on an air of generosity and has accepted many things. I wish that I had brought my wish list seeing that the government has recently been in such a charitable mood.

This facility is not without some considerable expense and I am going to suggest that rather than the government undertake to do it solely as a government project that they try to interest the various service clubs into a joint effort because these things are best done through joint efforts. It seems to me that the service

clubs are eminently poised to offer assistance to the government in these regards and I can think of the Lion's Club of Tropical Gardens, which seem to be an energetic bunch of predominantly ladies who seems to have a knack for getting things done. Then we have the Kiwanis and the Rotary and the Lion's themselves.

So, I would posit that the government rather than rely solely on resources of the Treasury do a joint effort with the service clubs into the development of this facility.

Mr. Speaker, you know, I don't want to seem petty, but years ago we had a good opportunity to address these kinds of problems were we more candid and forthright with ourselves. I remember bringing a motion that called upon the government to investigate into the kinds of conditions that lead to these kinds of problems. However, it was in the heyday of the National Team and their arrogance and the motion was voted down. Now, the National Team would prefer not to be identified as the National Team since many members have gone their separate ways. But as a historian, I cannot let the culprits get away with the fact that again we have lost precious time through political arrogance and posturing, and many people—including innocent children—have suffered as a consequence.

In this august House, we have to get away from this idea that motions well meaning are swatted down because they have come from the wrong side of the House.

The final point I wish to make is that a family study has been done. I would have thought that such a study would have been the basis for us arriving at some kind of policy as to how we are going to address these kinds of dysfunction in our society.

Again, in closing I would like to emphasise that I think the ideal address to this kind of problem would be through an integrated approach involving Community Affairs, Social Services and Education, and that we should involve some of the ideas which came out of the family study. This is a growing phenomenon, unfortunately, we have to be prepared to combat it if our society is to continue to progress. I give my wholehearted support to the motion and I am looking forward to see it come to its fruition. Thank you.

**The Speaker:** Does any other member wish to speak?

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Thank you. I would also like to offer my contribution on this very timely and important motion.

First of all, I must pay tribute to the mover and the seconder of this motion. I would like to say the three lady representatives in this Legislative Assembly, the level of debate that they have produced and the interest and the calibre of people that they are speaks well for these three people.

I think that the public can be proud of the contribution and the interest that they have shown to try to alleviate the problems in this area. I would say that it is never

too late to do good, whatever that this has not been dealt with before, the commitment has been given by the Minister of Community Affairs. I am sure I can speak on behalf of the Minister for Education and also Social Services which falls under my ministry that we can work together to put together a programme that can assist in giving assistance to those people that might find themselves in this most unfortunate situation.

I think the mover of this motion, the Second Elected Member for Bodden Town, went into great detail as was laid out in her opening to set out the environments in which this was brought, the research that she did, working not only with the Vision 2008 Office but also with Social Services and other people who have to deal with this problem.

My feeling is it most important that we have now committed and have accepted that there is this problem. I think it continues to show the maturity of the Cayman Islands and specifically the members of this Legislative Assembly that we are prepared to deal with this. Anyone can say that it is a bit late but let us now go forward and work together. There is no doubt in my mind that the entities named, the Lion's Club of Tropical Gardens, the Business and Professional Women's Club and other areas, will certainly assist. I think they are some of the people who have been preaching about this. The main thing it is now brought to a position where the responsibility and the commitment of government, working with other private sector agencies, that we can deal with this.

The Fourth Elected Member from George Town mad some interesting sociological aspects of this motion. I think we also have to look at this. There is no doubt in my mind that the motion that we have in Cayman today did not happen overnight and as we deal with these and put in place programmes like what is advocated in this motion we can certainly improve the plight of these unfortunate people.

In closing I would like to once again say that the calibre of the three lady representatives that we have in this Legislative Assembly continues to show the interest they have. I honestly don't think it is for political mileage that any of this has been done, it is for the interest of the people. I think we can take our hats off to them and we are proud to have them in here with us.

Thank you.

**The Speaker:** Does any other member wish to speak?

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I certainly will make a contribution that is very short because I believe that this is one of those motions that we certainly should lend our support to but I also believe that it is time for some action and not talk.

Many of us who have wide-ranging experiences within the wider communities in the Cayman Islands have witnessed instances of this nature, that is, the type of situation which arise when it comes to domestic violence and women and children are facing the brunt of it. I also believe that there is the odd occasion when the

situation is reversed. I don't want to cloud the issue here and make any long comment on the other situation with men, simply because I think the statistics will prove that women face the larger portion of such incidents.

Mr. Speaker, I wonder when we look at a motion of this nature and we go back to some five years ago, I remember the Elected Member for North Side brought a motion to set up a Woman's Affairs Office. The motion was passed unanimously in this House but I am wondering what has transpired since then if there is anything forthcoming on a firm policy on the part of government with regards to women. Perhaps, this may be in the works—I don't know. But I am thinking if we are on the one hand accepting a motion of this nature seemingly in unanimous fashion that incorporated in all this we should have some type of fixed policy identifying goals and objectives in this area at a national level.

I believe also that some time ago there was some mention of an offer made by a Caymanian lady and her husband, if memory serves me correctly, were prepared to build or purchase a suitable location to be used as a safe house for women. I have not heard anything more of this. I don't know whether this was just something in passing or whether it was something that could well be utilised in creating such a safe house for women because the motion calls for establishment of a safe house for battered women and children. So, I cannot give any more details, I just remember hearing about this and I am wondering if the government might be able to reply in some form or fashion. I believe that we need to work along with the Social Services Department and perhaps the Police, as has been mentioned in the motion, seemingly that is where the statistics are coming from. So, perhaps all agencies that are relevant to the cause need to be incorporated. I believe that this should form part and parcel of a policy that is why I asked the question.

I certainly commend the motion and I hope that in accepting the motion some tangible results will come forth with regards to making this a reality. It is a fact that the social problems in this area are certainly on the rise. There are many other reasons which probably don't need to be discussed in this motion which would cause these things to occur but certainly while looking at preventative policy we also have to accept the fact that it is a Utopian situation to think that it will stop occurring. As a result, while we look on the one hand to prevent such occurrences, we also have to look for the means to deal with these things when they do happen because it is not going to go away.

Again, I commend the motion and I do trust that we will see some reasonable expeditious action being taken so that this can become a reality. Thank you.

**The Speaker:** Does any other member wish to speak? If no other member wishes to speak, does the mover wish to exercise here right of reply?

The Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** First, let me take this opportunity to sincerely thank the Elected Member from North Side for agreeing to second this motion. Like me, she

also becomes very emotional and she can also relate to receiving the desperate calls for help. Also, my sincere thanks and gratitude to government for accepting the motion and many thanks and more gratitude to my other colleagues for supporting it.

I just would like to say that I do accept the constructive criticism put forward by some of my colleagues here and I do take the points put forward but let me just say in seeking the help of some of the social clubs is indeed our intention. I would also like to thank those who have called me since Monday night not only to thank me for bringing the motion but also to offer possible solutions with regards to a safe house.

Also, my humble thanks and appreciation to the *Caymanian Compass* for the national attention in yesterday's newspaper.

This has certainly been an important day, not only for me, but also for those to whom this motion is aimed—to the women and children of Cayman Islands. I am extremely pleased with the overwhelming support I have found on both sides. There is nothing more terrible than receiving a call from an abused woman in the middle of the night to say her husband or boyfriend arrived intoxicated or whatever the reasons might be and that she has become the target or the punching bag. I always hear the same thing, *'if only I had somewhere to go to for the night'*. But because that place of safety is not yet provided, she and her children must remain in the home and put up with the abuse. Today with the acceptance of this motion, I sincerely trust this will change and soon.

Also, from the platform on which I stand and the seat that I occupy, whatever it takes to make the lives of women and their children more comfortable and pleasant count on me, I am here to do the job.

Mr. Speaker, many hours of research went into this motion and you know truthfully there were times when I had to stop and ask myself, *'is this really happening in the daily lives of women and children here in our little island'*. We are all aware of it but when one goes to the depth that I have gone to gather the information that is needed, it means more than listening to the late night calls. It meant gathering the statistics, watching films on domestic violence, listening to the counsellors, hearing it first hand from the victims, searching the internet, looking at pictures of beaten and abused women and much more.

Mr. Speaker, the 1997 Newsletter published in conjunction with the 16 days of activism against gender violence, the then president of the Business and Professional Club, said it all when she wrote the following, and I quote: **“Much patience is required in seeking long-term solutions. It is in the area of practical support that the earliest benefits may become apparent with a telephone first contact, specifically, for abused victims and further efforts to find suitable premises for a refuge or safe house.**

**“World wide experience in this field has shown that victims need to escape from the violent environment to a place of safety albeit temporarily before satisfactory solutions can be attained. It is my per-**

**sonal view that provision of such a facility should be high on the agenda if victims are to receive the kind of support which is needed."**

Also, the Minister of Community Affairs has just passed me a note saying that the ministry is presently working on a draft gender policy and a consultant has been hired to assist with this gender policy. The offer that the First Elected Member for George Town was referring to with regards to building a safe house has been withdrawn for personal reasons. The ministry has already started working on a conceptual plan for a safe house. So, I guess that will answer what the First Elected for George Town brought up in his debate.

Mr. Speaker, the message that the then President of the Business and Professional Women's Club wrote back in 1997, I think, we are in a position today to say that we have heard that message very loud and clear.

Once again, many thanks and before I take my seat I would like to thank each and every one who have contributed to this motion and to also thank Almighty God for giving me the wisdom and compassion to deal with such a difficult and emotional issue. Thank you, Mr. Speaker.

**The Speaker:** I shall now put the question on Private Member's Motion No. 10/00 entitled Establishment of a "Safe House" for Battered Women and Children. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The motion is passed.

**AGREED: PRIVATE MEMBER'S MOTION NO. 10/2000 PASSED.**

**The Speaker:** Moving on to Private Member's Motion No. 8/2000 entitled Watersports Concessions at Major Hotels to be moved by the Third Elected Member for West Bay.

## **PRIVATE MEMBER'S MOTION NO. 8/00**

### **WATERSPORTS CONCESSIONS AT MAJOR HOTELS**

**Mr. John D. Jefferson, Jr.:** I beg to move Private Member's Motion No. 8/2000 entitled Watersports Concessions at Major Hotels which reads as follows:

**"WHEREAS there are a number of Caymanians who depend upon the local watersports industry for the daily financial survival of themselves and their families;**

**"AND WHEREAS it is becoming increasingly difficult for these Caymanians to earn a decent, honest living in this industry because of the unfair competition from the larger (basically foreign owned) companies which have been awarded the concessions at the major hotels and which are attempting to monopolise this industry;**

**"AND WHEREAS it is important to ensure that Caymanians continue to earn an honest living from this and other chosen areas of business to ensure the continuance of the social harmony that we enjoy in these Islands which is one of the key reasons for our financial success;**

**"BE IT NOW THEREFORE RESOLVED THAT Government consider taking appropriate steps in meeting the major hotels to negotiate a possible end to the watersports concessions, to enable all interested parties to solicit business from these properties."**

**The Speaker:** Do we have a seconder?  
The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I second the motion.

**The Speaker:** Private Member's Motion No. 8/2000 has been duly moved and seconded. Do you wish to speak to it? The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker, and I also want to thank the First Elected Member from West Bay for seconding the motion for me.

Mr. Speaker, this issue is a very important one to a number of Caymanians that depend on the watersports industry for their livelihood. We have well known Caymanian pioneers in the watersports business, namely in the persons of Captain Crosby Ebanks, Captain Frank Ebanks, Captain Marvin Ebanks, and other well known operators in this area. It was men like these who established the worldwide well-known tourist attraction Stingray City.

My understanding of how this happened was that when they went out on trips, and they did a lot of snorkel trips in the North South area, that they would stop in a certain area and basically claim their conch or fish or whatever it is. Over a period of time, the rays started to congregate in this area recognising that this was an area that they could come to be fed. Over the years, Stingray City became a well-known tourist attraction.

Mr. Speaker, I had a young lady come to my office just recently who is attempting to earn a living from this particular business. She is stationed at the port and she tries to book groups for a trip to the North Sound. She said, "Normally I am out there early in the morning until sometimes 2.00 - 3.00 in the afternoon, and might earn \$20 - \$40—or nothing—for the day. I have my rent to pay. I have a little son, and I am a single parent. What is so frustrating is that I stand there and see people coming off of those cruise ships by the thousands pre-booked for the North Sound watersports trip."

Having depended on earning a living in that area for a year and a half, I knew exactly what she was talking about. There is no need for that kind of situation to exist in this country. And even with this specific motion dealing with the concessions in the hotels, I think it is important for me to paint an overall picture of the difficulties that our people are experiencing in this particular area.

Like I said, there is no need for that type of situation to exist in this country, and I blame the Minister of Tourism and the Department of Tourism for not doing more with regard to negotiating with the cruise ships. All that it would take is a call from the ministry saying *'I want to meet with the cruise directors of these specific cruise ships.'*

I am told that the Cayman Islands is a very important destination for those cruises. I don't think that contacting the cruise directors about the possibility of sharing a business is going to turn them away. I cannot see that, Mr. Speaker! There is many cents and dollars involved. Bring them to office and say, *'you know, we have a problem—we have to learn to share the business a little better than it is being shared right now.'* As a matter of fact, with the Minister's assistance, just after the 1996 elections, we were able to get some concessions for some of the other tour operators for business from the cruise ships. That is going fairly well. There is no reason why the same approach cannot be taken with regard to the independent watersport operators or those who are members of the Cayman Islands Watersports Association or the other association that is registered here in the Cayman Islands. There is enough business for everyone to earn a decent living, and no one has to go hungry.

We have major operators who have the contacts, and they control the business from the cruise trips. Those cruise directors are, in my mind, mercenaries, in that they do business with the person or the group that is going to offer them the most in return. I will give an example of what I am talking about: A snorkel trip on the cruise ship is being sold at about \$40 per person or higher. Now, that same trip to the North Sound if that was solicited from an independent person onshore who is selling that business would be about \$20 - \$25.

The other thing to keep in mind is that out of that \$40 for that particular ticket, they probably take \$20 - \$25 and they give the operator here in the Cayman Islands \$15 per person. Because of that they are not just going to voluntarily give up that particular business.

Now, a similar situation also exists at the major hotels—I am talking about the Hyatt, the Marriott, and the Westin Hotels. The major watersports here basically have the contacts and the influence, and what has happened as a result of that is that they were able to go into hotels and say, *'you give me the exclusive right to solicit business from your property, and in return you get a percentage.'*

I don't know what the compensation package is, but as a result of that, very little business is solicited by independent operators in the watersports industry.

Now, I think it was between the 1992 and 1996 term that the present Minister of Tourism (and this was an issue during the 1992 election campaign) went to the hotel. Hotels agreed to would allow a rack to be placed in the hotels where the independent operators could stack their brochures and hopefully by doing that be in a position to solicit some business from the hotels.

Now, first of all, this particular rack for the brochures is not located in an ideal and visible area. The other

thing, I still hear of incidents where representatives from the major parties that own the concessions at the hotels actually go by the brochure rack, take the brochures out, and throw them in the garbage. At the hotels, if an employee is caught recommending anybody other than the party that owns the concession at the hotels, they are threatened with termination of their employment. Because of that, they don't always promote business for independent watersports operators.

In an effort to assist, the Department of Tourism sponsored an advertisement in one of the major magazines for the Cayman Islands Watersports Association, which was a good gesture, and I am quite sure as a result of that they did get some business. Today, with Caymanians having to struggle in order to make a living—with the high cost of living, with the competitive environment that we live in—it is becoming increasingly difficult in the watersports area for our honest, decent, hardworking, Caymanians to continue to earn a living. Because of the difficulty, many have chosen to give up the watersports business and have sought employment elsewhere.

What is also annoying (and I have had this happen to me) is that in the majority of our watersports operators that take out visitors for diving or to Stingray City are basically all foreign nationals. That causes two problems: First of all, we get someone here on a work permit. They are here for two days working with one of the major concessions, and he is put in charge of a boat and told he is responsible for taking people to Stingray City.

Mr. Speaker, you are an old captain, so maybe you have experience in this area. I've done a lot of fishing but . . . let me tell you, if you are operating in that North Sound and you don't know the waters, you can run into a lot of difficulty. We've heard stories of boats running aground on the reef or the shallow bars in that area because the operators were not aware of what they were doing.

I believe it is time for government to have some type of negotiation with all parties involved in order to come up with a fairer system that will ensure that all parties that depend on this industry can earn a living. What I am suggesting is that a committee or council be set up by the Ministry of Tourism. It could consist of representatives of the major concessions operating at the hotels, representatives from the two watersports associations, representatives from the major hotels, maybe the Minister of Tourism and any other assistants he may wish to add from his Department of Ministry. They could sit down with a view to coming up with a compromise that would make it much more equitable for all parties involved, especially our independent watersports operators.

I am a representative who believes we should be proactive rather than reactive. I believe that it is important for us to do whatever necessary to ensure that we continue to enjoy social harmony in this country. That is one of the main assets of the Cayman Islands. We have always lived together in harmony as a community—Caymanians, non-Caymanian residents, and visitors.

There are no barriers, no classes, and that is what has made our society very ideal indeed.

But there are pressures. There is a growing resentment between the have's and the have-nots. In most cases the have's are big businesses or foreign nationals and the have-nots are small Caymanians trying to earn an honest living in their own country.

I believe that whatever government can do to assist in resolving the situation would be welcomed by those persons depending upon this very important industry for a living. I am not advocating any hard line. I am asking government to put together this committee and sit down in an atmosphere of compromise in order to arrive at concessions that will be beneficial to all parties. I am not recommending that government just make ultimatums. I don't feel that is the way forward in this particular instance. When you take a heavy-handed approach (and sometimes you have to do that), it should be as a last resort. It's better if we can arrive at a negotiated position.

I commend the motion to this honourable House and trust we will get the government's support as well as that of honourable members.

**The Speaker:** The floor is open for debate. The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The honourable Minister of Tourism is on official government business overseas. He has asked me to reply on this matter.

The motion itself calls for meetings with the major hotels to negotiate a possible gain to the watersports concessions. The minister has said that the government does support this motion. This has been an area, like many areas of local business, where there have been persons wishing to see extensions into the watersports area to increase the competition. I know that the honourable minister will definitely enter into these talks with a view to furthering the interests of the local watersports industry.

Back on 9 February this year, the House passed a motion that was partly related to the present motion. It was Private Member's Motion 29/99 which related to the feasibility of extending the North Sound jetty in West Bay, and also related to the building of boat slips. Another resolve clause asked to take whatever action necessary to ensure that taxis, watersports operators and tour buses from the Port get a fair share of the business emanating from cruise ships. It was brought by the First Elected Member for West Bay and the Elected Member for North Side.

I also know that in relation to the Immigration side and the select committee that published sometime back . . . there's also a concern over dealing with matters such as this from the Immigration point of view.

At present the honourable Minister of Tourism has managed to negotiate and, by regulation 6(1) of the Tourism Regulations 1999, a rack which has the brochures and rates and other matters relating to watersports must now be put in the lobby of all hotels. So

there has been some good movement on this, and I know that the watersports industry welcomed that move.

The first step has already been taken. I think what the honourable mover is really requesting is perhaps a second step in the same direction. I am sure the minister will have to hear both from the major hotels and the watersports industry. I believe he will find a good solution that is fair and in the interests of both parties.

This motion is supported by the government. I commend the mover and the seconder.

Two points were raised: One was in relation to consultation with the cruise ship industry. I know that goes on quite regularly. The minister has been able to get many areas that have benefited local people over and above what happens in some of the other Caribbean islands. The cruise ship companies are very large and very powerful. I know that the minister, with his experience as a former chairman of the Caribbean Hotel Association, was able to deal with them on a collective basis, built up a reputation for hard negotiating which I know he does on the international teams. I am sure that he will do the same in these talks.

The second point was that the hotels, the watersports associations, and other related associations should get together on these matters. The minister has been able to achieve this. He has been able to get together all or substantially all of the associations. I think that would have gone a long way.

Those two matters raised by the Third Elected Member for West Bay, the mover, have been done by the honourable minister. Government supports the motion and the minister undertakes to carry out the wish of this honourable House.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I am very supportive of this motion. I am happy to have had the opportunity to second this motion. This motion is, sad to say, one of several that government has supported over a period of years. I am glad that they supported them, nevertheless, motions receiving the unanimous support of the House get nothing much accomplished.

I would like to pick up where the Minister of Education (standing in for the Minister of Tourism) left off. The minister said there have been many areas that have benefited many local people. I have been trying to take an in-depth look at what has been accomplished that has benefited many local people in that sector, and I cannot find but three local people, which might be stretched to another three.

To say that *many* local people have benefited from some accomplishment the minister did . . . I just can't see that. Also, I do not know of any benefit here in the islands seeing that only three people have benefited directly. I don't know of any benefit here that does not exist in other Caribbean territories.

If you want to see how this sector benefits the people, you have to go to The Bahamas to see how they operate their cruise port operation. A delegation from the



Cayman Watersports Operation went to The Bahamas to see how The Bahamas operates, and exactly what they get out of it. They are well organised, first of all, and they have a ministry that actually pushes for them and helps negotiate for them—for the industry, not just for a few people.

I can't see what benefit the Minister of Education is talking about. I think he's just playing politics for his colleague.

I am glad, however, that there have been three people who have benefited. They are Caymanians—and from West Bay at that—and I am glad because they have been in the business long enough to know it. I am glad they can deal with it.

The racks that have been placed in the hotels are not effective. Those racks are the subject of much abuse because the hotels have the concessions and have put those racks in areas—even when you go down there and move them, they put them back in areas where the people can't find the racks. They take the brochures out of the racks. I don't know who is doing that, but they just take out the brochures.

I remember in Executive Council acting for the Minister of Tourism (just like the Minister is doing now) I had to go out on several occasions to look at the racks in the hotels. They are actually protected by a regulation of the House, but not effective. The concessions in the hotels don't give any support to the racks. Everything is done to stop the local people from getting the business simply because of the concessions.

A good example of what I call a "don't care" attitude about the rest of the people in the industry—except those three that have derived some benefits—is that as much as we have complained about concessions, as much as we have talked to the Ministry of Tourism, as many motions as this House has passed when the new Holiday Inn was given permission by the minister, he still allowed them to do a concession.

I think the House deserves more! The people deserve better! We cannot stand in the House saying, as the Minister of Tourism, that they are doing all that they can when they are handing out concessions left, right and centre. What the Minister of Tourism should have done was say to the hotel, if he was going to give them a license, *'We will give you a license but you cannot give out any concession.'* That should have been part and parcel of their agreement for the construction of that hotel.

The fact remains that the local people in the watersports industry, the local small one-man operation, or husband and wife operations, are the ones that are suffering. They might get more business during the season, but, particularly in the off season, they find it hard to pay their bills. Even with an off season, we have hundreds of thousands of cruise visitors coming to these islands during the year.

The Land and Sea Cooperative took a delegation to Miami to consult with *Carnival* Cruise Lines. One of the problems the watersports operators have is that some of them don't have insurance and the cruise lines are de-

manding large amounts of public liability insurance. That's a hindrance right now.

But I contend that if the Minister of Tourism was interested in doing something for that group they would have either done something on their own, or when they saw the people trying to organise themselves, they would have supported that cooperative. But nothing has been done.

It is not all the fault of the cruise ships. The Cayman Islands have laws, they have a Port; the people come to the Port. They must be able to tell those people this is what we want done. Do you know what I found out by heading up that delegation to Miami? I found out that those people will listen and assist. Of course, they have to protect their passengers, but they are willing, once an organised step has been taken from the Cayman Islands. I contend that the Ministry of Tourism is seriously lacking in this.

The motion asks government to take appropriate steps in meeting the major hotels in negotiating a possible end to watersports concessions to enable all interested parties to solicit business from these properties.

This is the season where it seems you can get a lot of things done. It's an election year. Perhaps the Minister of Tourism will jump now to do something since it is so close to an election. If he can accomplish something, it has my support. But as long as he is not doing anything, I am going to be hounding him.

I thank the mover of this motion. He has moved motions before. I have moved motions before, because the majority of the people are small operators from West Bay. Our people are being driven out of business. They cannot get the business to stay alive. Some of them have to sell their boats. That is their business.

When we have hundreds, close to a million tourists coming via cruise ship in this country, it's a downright shame and disgrace to the Ministry of Tourism for allowing this to happen. I can say no more except that I hope something is done between now and the election. Like I said, it's a good time to get things done. I hope the minister will move now!

**The Speaker:** Does any other member wish to speak? (Pause) Does any other member wish to speak? (Pause) If not, does the mover wish to exercise his right of reply? The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I want to thank the Minister of Education, who spoke on behalf of the Minister of Tourism, and government for accepting the motion. I want to thank my colleague from West Bay, the First Elected Member for West Bay, for his contribution and support as well.

We have been dealing with this issue for a very, very long time. I believe that all it really takes is a genuine will to accomplish something in this area. I don't see the hotels refusing to sit down to negotiate. I don't see the companies that own the concessions taking that kind of attitude. It's better for us to sit down and negotiate

rather than for government to demand or give ultimatums. I prefer the path of negotiation.

It is time for our people to enjoy the business that comes to this country.

When I was graduating from Morgan State University, I had no desire to work and live in the US. And I could have easily done that. I came back home because as a Caymanian I believed I should have the right and the opportunity to earn an honest, decent living in my own country.

We have worked so hard over the years to create an economic climate, a friendly atmosphere, a place people can come to and feel safe. That attracts people and business to this country. Those who have done so much in order to create this environment do not benefit at the end of the day to any large extent. It doesn't take a rocket scientist to figure out that if this attitude continues . . . Caymanians are under a lot of pressure, especially financially. You can easily find that attitude changing to one of *'If I can't benefit, no one can.'* We will all suffer as a result of such militant action.

I believe there is room for negotiation. I believe there is room for compromise. And I believe there is sufficient business coming into this country that all parties depending on this area for their livelihood can make an honest, decent living.

Thank you for your patience. I thank the House for its support. God bless.

**The Speaker:** I shall now put the question on Private Member's Motion No. 8/2000, entitled Water Sports Concessions at Major Hotels. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: PRIVATE MEMBER'S MOTION NO. 8/2000 PASSED.**

**The Speaker:** Item 6 on today's Order Paper, Government Business, Bills, Second Reading. Continuation of the debate on the Electronic Transmission Bill, 2000.

The Honourable Minister responsible for Education, Aviation, and Planning.

## GOVERNMENT BUSINESS

### BILLS

#### SECOND READINGS

##### THE ELECTRONIC TRANSACTIONS BILL, 2000

*(Continuation of debate thereon)*

**Hon. Truman M. Boddan:** I would just like to thank all the members for their support of this Bill. I knew that it

would get that unanimous support, and I would like to thank them very much.

**The Speaker:** I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE ELECTRONIC TRANSACTIONS BILL, 2000 GIVEN A SECOND READING.**

**The Speaker:** Bills, Second Reading.

##### THE COMPUTER MISUSE BILL, 2000

**The Clerk Assistant:** The Computer [Misuse] Bill, 2000.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Boddan:** I beg to move the second reading of the Computer Misuse Bill, 2000.

**The Speaker:** Do you wish to speak to it?

**Hon. Truman M. Boddan:** This is a Bill for a Law to provide for securing computer material against unauthorised access and for related matters. It is modelled on legislation that has already been enacted in the UK, Australia, Bermuda, Singapore, New Zealand, and most other technically advanced countries.

In summary, it creates the offences of unauthorised access to computer based information ("hacking") with intent to commit further offences, aggravated hacking, unauthorised modification of computer based information (and that is hacking), introduction of a virus and similar matters, unauthorised use or interception of a computer service, and causing a computer to cease to function temporarily or permanently without authority, for example viruses or denial of service attacks.

For each of these two levels of offence are proposed. The first, where no damage to computer systems had been caused, and the second, where damage has been done.

It should be emphasised that for any of these offences to be committed, a person must be unauthorised and generally must have the necessary criminal intent or the *mens rea* in relation to the offence. That would normally not make in an offence where that *mens rea* was not present, in incidents such as accidents and mistakes.

I don't intend to go into further reading of the Memorandum of Objects and Reasons because these are clearly set out in the law, but only to provide that general summary. It is a short Bill and there are a few amendments that are more clerical than anything else. I will be moving them at the committee stage. I would ask members to please support this. It is one that is a companion to the Electronic Transaction Bill that we just passed.

**The Speaker:** The question is the Second Reading of the Computer Misuse Bill, 2000. Does any member wish to speak? (Pause) If no other member wishes to speak, does the mover wish to exercise his right of reply?

**Hon. Truman M. Boddin:** Just to thank members for their kind support of this Bill. It is an important Bill and I appreciate their support.

**The Speaker:** The question is the Second Reading of the Computer Misuse Bill, 2000. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE COMPUTER MISUSE BILL, 2000 GIVEN A SECOND READING.**

**The Speaker:** Bills, second reading.

#### **THE IMMIGRATION (AMENDMENT) BILL 2000**

**The Clerk Assistant:** The Immigration (Amendment) Bill 2000.

**The Speaker:** The Honourable Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I beg to move the second reading of the Immigration (Amendment) Bill 2000.

**The Speaker:** Do you wish to speak to it?

**Hon. Donovan Ebanks:** This Bill provides a series of relatively minor changes which are intended to essentially promote the efficiency of the processes related to the granting of work permits and also consideration of appeals related to either Immigration Board matters or matters of the Trade and Business Licensing Board.

The proposals have their genesis in some work done in the early part of last year by the Immigration Department under an initiative relating to the reinvention exercise. I would just like to speak to the Memorandum of Objects and Reasons.

Item (a) relates to the appeals and the introduction of the provision for a non-refundable fee of \$100. Previously there had been no charge for such appeals. They obviously consume considerable time and resources both at the secretariat and at Executive Council level, which forms the appellate body.

At the moment, there is absolutely no reason why people should think twice, as it were, about lodging an appeal. In some particular areas, the numbers of appeals has been astounding. In turn, it obviously impacts the whole processing time of appeals in general. So, the introduction of this nominal fee of \$100 will go to off set in some way those costs of dealing with appeals, but will

hopefully also provide for the first time a real basis for people to think whether or not they want to simply lodge an appeal.

The second area the Bill deals with has to do with allowing the Chief Immigration Officer on his own to issue temporary work permits. Currently the law requires that there is a consideration both by the Chief Immigration Officer and by the Chairman of the Immigration Board. It is felt that that duplication is really no longer essential and that furthermore, it substantially impedes the turnaround time on temporary applications, due in part that obviously the Chairman of the Immigration Board does not have a full-time presence dealing with immigration matters. Instead, it is now proposed to allow the Chief Immigration Officer on his own to issue temporary work permits, and also in the interest of further enhancing the processing, to allow the Chairman or Deputy Chairman in the absence of the Chairman of the Immigration Board to do likewise.

It is expected that on any matters of special concern, those will consult as they shared the responsibility in the past. And in any case, all such temporary grants are reported to the full board shortly after being granted. So this change will hopefully improve the turnaround time on temporaries in particular.

Under (c) of the Memorandum of Objects and Reasons, to provide the following clause 5 of the Bill, is a provision to allow companies who regularly need work permits for persons for short periods to make bulk applications rather than making individual applications each time the person is to visit. There are businesses with unique equipment that is not serviceable locally, or other systems requiring regular service from abroad for short periods. While the person is genuinely working here, it is obviously time consuming to process individual applications each time. So this provision allows the company to do that in bulk.

There is also a provision being introduced to allow businesses to for the first time submit a three year plan of their projected human resource needs, and in turn their projected work permit needs, and to provide information on their training initiatives and other related subjects, and in turn enable the board to take a longer term view as to a particular business and its efforts to expand and fill positions with Caymanians.

Everything we have been doing up until now through the Immigration Board with work permits has been on a retail basis, on an individual application basis. It is certainly high time that we moved on to a more bulk type consideration.

This provision will not exempt companies from having to make reasonable efforts to find and to train Caymanians, but it will simply allow their situations and their plans to be looked at comprehensively and be dealt with. And in turn for the board to not have to be dealing with individual applications, as long as they are in compliance with that plan for some period of time, the company will have the liberty of knowing what they can expect to get work permits for and obviously can operate within that permission, but not go beyond it.

Another area referred to under (d) in the Memorandum of Objects and Reasons has to do with the introduction of a straight repatriation fee of \$200 (I think). In the past, employers have had to assume responsibility for repatriation in the event an individual was being allowed to enter who was not able by his own means to leave. As far as meeting that obligation we've called on employers to make deposits that varied in terms of the geographic area from which the employee came.

There were two major characteristics of that system that have started to have a negative impact. One is that the system provided a greater incentive for people to recruit from the nearest available country. That has no doubt contributed to the higher proportions of work permit holders from certain jurisdictions. This flat fee arrangement will nullify any disincentive for individuals to recruit from further afield and will hopefully contribute to a balancing of the nationalities making up the non-Caymanian workforce.

Secondly, the system of making a deposit in effect created an arrangement where the Immigration Board and subsequently the government operated in effect a bank. We kept these deposits for years and years and we expect in many cases that they were not claimed when people left. Nevertheless, there was a liability to repay them if they ever did claim them. In this day and age that is not the best arrangement. We essentially hold a considerable amount of money that we are not able to use aside from any interest the account may earn. The cost of keeping it and being able to repay it exceeds what we make on it.

So, a more practical and workable arrangement seems to be to ensure against that risk of having to repatriate someone by charging a flat fee that will be prescribed under regulations.

There is also provision to exempt some categories of persons also to be prescribed by regulations, but basically people we know who come here regularly for a day or two for a meeting—shareholders or owners. They don't necessarily receive any remuneration from within the islands for the time they are here. Currently under the law there is no provision for those persons to be exempted from having to obtain a work permit.

Unlike those of us who travel to the US and are able to enter and do business for a couple of days by virtue of having a B1 visa there is simply no counterpart mechanism in our legislation. So, the intent is to introduce a provision for those short-term visitors. It will be limited to not exceeding 14 days.

Hopefully, these changes will contribute to the overall efficiency with which work permits, in particular, are dealt with and eliminate some of the rather mundane work that now goes on in dealing with these routine and repetitive matters, particularly short term visitors that often times have a negative effect in terms of the PR. In today's world people don't expect to have to get a work permit to come in for a day or two.

I recommend the Bill to members. It is not the meatier stuff the select committee has been deliberating on, but it's simply stuff that needs to be addressed to im-

prove the administrative processes relating to work permits.

**The Speaker:** The question is the second reading of the Immigration (Amendment) Bill 2000. The floor is open to debate. Does any member wish to speak? (Pause)

If not, does the mover wish to reply?

**Hon. Donovan Ebanks:** I simply wish to thank members for their support.

**The Speaker:** The question is that a Bill entitled the Immigration (Amendment) Bill 2000 be given a second reading. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE IMMIGRATION (AMENDMENT) BILL 2000 GIVEN A SECOND READING.**

**The Speaker:** Bills, second reading.

#### **THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL 2000**

**The Clerk Assistant:** The Trade and Business Licensing (Amendment) Bill 2000.

**The Speaker:** The Honourable Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I beg to move the second reading of a bill entitled The Trade and Business Licensing (Amendment) Bill 2000.

**The Speaker:** Do you wish to speak to it?

**Hon. Donovan Ebanks:** This Bill addresses two minor areas: one corresponding to the introduction of a fee for appeals; there is also the proposed introduction of a similar fee for appeals related to decisions of the Trade and Business Licensing Board.

The second element of the Bill deals with empowering Immigration Officers to carry out instructions and act on behalf of the Trade and Business Licensing Board. At the time the Trade and Business Licensing Board was established, we had obviously had a situation where Trade and Business Licensing matters and Local Company Control Licensing matters had been dealt with by the Immigration Board who had at its disposal the staff of the Immigration Department. And there are provisions in the Immigration Law that state that that staff is required to carry out directions given by the Board.

While there may come a time in the not-too-distant future after the current expansion is completed, when we may look to provide some specialist staff to the Trade and Business Licensing Board, staff skilled in companies

registration licensing practice and those matters, rather than immigration matters.

It is felt that in the interim it is essential to make the provision in the law that the Trade and Business Licensing Board can also, as in the case of the Immigration Board, direct staff of the Immigration Department to carry out activities on its behalf.

So the two changes are relatively simple, but necessary. I trust members will give their support.

**The Speaker:** The question is that a Bill entitled The Trade and Business Licensing (Amendment) Bill 2000 be given a second reading. The floor is open to debate. Does any member wish to speak? (Pause)

If not, does the mover wish to reply?

**Hon. Donovan Ebanks:** Only to thank members for their support.

**The Speaker:** The question is that a Bill entitled The Trade and Business Licensing (Amendment) Bill 2000 be given a second reading. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL 2000 GIVEN A SECOND READING.**

**The Speaker:** The House will now go into Committee to consider a Bill entitled The Electronic Transactions Bill, 2000, and three other Bills.

## HOUSE IN COMMITTEE—12.36 PM

### COMMITTEE ON BILLS

**The Chairman:** Please be seated.

The House is now in Committee. With the leave of the House may I assume that as usual we should authorise the Second Official Member to correct minor printing errors and such like in this Bill?

Would the Clerk state each Bill and read its clauses?

#### THE ELECTRONIC TRANSACTIONS BILL, 2000

**The Clerk Assistant:** The Electronic Transactions Bill, 2000.

- Clause 1. Short title.
- Clause 2. Definitions
- Clause 3. Exclusions.
- Clause 4. Variation by agreement.
- Clause 5. Crown to be bound.

**The Chairman:** The question is that clauses 1 through 5 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 THROUGH 5 PASSED.**

**The Clerk Assistant:** Clause 6. Legal recognition of electronic record.

- Clause 7. Writing.
- Clause 8. Delivery.
- Clause 9. Original form.
- Clause 10. Retention of records.
- Clause 11. Records available for inspection.
- Clause 12. Admissibility of electronic records.

**The Chairman:** The question is that clauses 6 through 12 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 6 THROUGH 12 PASSED.**

**The Clerk Assistant:** Clause 13. Formation related to contracts.

- Clause 14. Attribution of electronic records.
- Clause 15. Effects of change or error.
- Clause 16. Acknowledgement of receipt of electronic record.
- Clause 17. Time and place of sending and receipt of an electronic record.

**The Chairman:** The question is that clauses 13 through 17 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 13 THROUGH 17 PASSED.**

**The Clerk Assistant:** Clause 18. Equal treatment of signatures.

- Clause 19. Compliance with requirement for a signature.
- Clause 20. Determination of standards.
- Clause 21. Conduct of a person with lying on an electronic signature.
- Clause 22. Recognition of foreign certificates and electronic signatures.
- Clause 23. Notarisation and acknowledgements.
- Clause 24. Register of approval providers.
- Clause 25. Arrangements for the grant of approvals.

**The Chairman:** The question is that clauses 18 through 25 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 18 THROUGH 25 PASSED.**

**The Clerk Assistant:** Clause 26. Restrictions on disclosure of information.

- Clause 27. Provision of information secured services.
- Clause 28. Conduct of information security service provider.
- Clause 29. Criteria for determining trustworthiness.
- Clause 30. Contents of a certificate.
- Clause 31. Conduct of a signature devise holder.

**The Chairman:** The question is that clauses 26 through 31 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 26 THROUGH 31 PASSED.**

**The Clerk Assistant:** Clause 32. Liability of e-commerce providers.

- Clause 33. Data protection.
- Clause 34. Pseudonyms.
- Clause 35. Codes of practice.
- Clause 36. Offences by bodies corporate.
- Clause 37. Regulations.
- Clause 38. Prohibition on key escrow requirements.
- Clause 39. Appointment of e-Business advisory board.
- Clause 40. Amendments.

**The Chairman:** The question is that clauses 32 through 40 do stand part of the Bill. Those in favour please say Aye. Those against No—

**Mrs. Edna M. Moyle:** Mr. Chairman, can I just get some clarification?

**The Chairman:** Mrs. Moyle.

**Mrs. Edna M. Moyle:** Amended enactment . . . are we amending other legislation through the schedule to this? Or will we be bringing amendments to this law so that when someone asks to purchase the Arbitration Law we will have the full legislation available, or do they have to refer the people purchasing these laws to this E-Commerce Law?

**Hon. Truman M. Bodden:** Normally these will be picked up in the revision. While I know this is somewhat unusual, the Law Revision Commissioner will probably revise those within a short period.

**The Speaker:** Mrs. Moyle.

**Mrs. Edna M. Moyle:** Are you saying then, like the Stamp Duty Law will be revised almost immediately to take account of the amendments in this law? I know this has happened before and it's been months and months

that people were buying laws that did not have all the amendments to them.

**The Chairman:** Mr. Bodden.

**Hon. Truman M. Bodden:** I can't say when, I just know that these are picked up in the revisions. I would hope that, for example, revising the Companies Law is a very big law . . . but . . . I can't say it will be done immediately.

**The Chairman:** Mrs. Moyle.

**Mrs. Edna M. Moyle:** I guess the staff listening to this will be prepared to sell the E-Commerce Law if someone comes to buy the Stamp Duty Law, which will make it more expensive for people purchasing legislation.

**The Chairman:** Mr. Bodden.

**Hon. Truman M. Bodden:** The most we can do is to ask the Law Revision Commissioner to try to deal with them. I am sure the honourable Attorney General will also make the same request.

**The Chairman:** Is there any further debate? If not, the question is that clauses 32 through 40 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 32 THROUGH 40 PASSED.**

**The Clerk Assistant:** A Bill for a Law to establish the legal principles applicable to the conduct of electronic commerce and the processing, verification and attribution of electronic records; to provide for the approval, registration and liabilities of service providers; to establish a system for the regulation of processors of personal data; and for incidental and connected purposes.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: THE TITLE PASSED.**

### THE COMPUTER MISUSE BILL, 2000

**The Clerk Assistant:** The Computer Misuse Bill, 2000.

- Clause 1. Short title.
- Clause 2. Interpretation.

**The Chairman:** The question is that clauses 1 and 2 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 AND 2 PASSED.**

**The Clerk Assistant:** Clause 3. Unauthorised access to computer material.

**The Chairman:** We have an amendment to clause 3?

**Hon. Truman M. Bodden:** The committee stage amendment has been circulated. It is to clause 3, subclause (4), by inserting after the word "liable" the words "*on summary conviction.*"

**The Chairman:** The question is that Clause 3 be amended. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 3 AMENDED.**

**The Chairman:** The question is that Clause 3 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 3 AS AMENDED PASSED.**

**The Clerk Assistant:** Clause 4. Unauthorised access with intent to commit or to facilitate the commission of further offences.

**The Chairman:** The question is that Clause 4 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 4 PASSED.**

**The Clerk Assistant:** Clause 5. Unauthorised modification of computer material.

**The Chairman:** There is an amendment to Clause 5?

**Hon. Truman M. Bodden:** I would like to move the amendment to Clause 5, subclause (6) by inserting after the word "liable" the words "*on summary conviction.*"

**The Chairman:** Does any member wish to speak to the amendment? If not, I shall put the question that Clause 5 be amended. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 5 AMENDED.**

**The Chairman:** I shall put the question that Clause 5 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 5 AS AMENDED PASSED.**

**The Clerk Assistant:** Clause 6. Unauthorised use or interception of computer service.

**The Chairman:** There is an amendment to Clause 6.

**Hon. Truman M. Bodden:** I would like to move the amendment to Clause 6, subclause (2) by inserting after the word "liable" the words "*on summary conviction.*"

**The Chairman:** Does any member wish to speak to the amendment? If not, I shall put the question that Clause 6 be amended. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 6 AMENDED.**

**The Chairman:** I shall put the question that Clause 6 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 6 AS AMENDED PASSED.**

**The Clerk Assistant:** Clause 7. Causing computer to cease to function.

**The Chairman:** There is an amendment to Clause 7.

**Hon. Truman M. Bodden:** I would like to move the amendment to Clause 7, subclause (4) by inserting after the word "liable" the words "*on summary conviction.*"

**The Chairman:** Does any member wish to speak to the amendment? If not, I shall put the question that Clause 7 be amended. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 7 AMENDED.**

**The Chairman:** I shall put the question that Clause 7 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 7 AS AMENDED PASSED.**

**The Clerk Assistant:** Clause 8. Meaning of "securing access", "modification" and "unauthorised".

Clause 9. Territorial scope of offences under this Law.

Clause 10. Territorial scope of inchoate offences.

Clause 11. Proceedings for an offence under this Law.

Clause 12. Conviction of section 3 offence as alternative to section 4, 5, 6 or 7.

**The Chairman:** The question is that Clauses 8 through 12 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 8 THROUGH 12 PASSED.**

**The Clerk Assistant:** Clause 13. Police powers.

**The Chairman:** There is an amendment to Clause 13.

**Hon. Truman M. Bodden:** I would like to move the amendment to Clause 13, subclause (2) by deleting the word "legible" and substituting "*intelligible.*"

**The Chairman:** Does any member wish to speak to the amendment?

Mrs. Moyle.

**Mrs. Edna M. Moyle:** I don't wish to speak to the amendment, but I would like to ask a question on Clause 13(1).

**The Chairman:** I shall put the question that Clause 13 be amended. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 13 AMENDED.**

**The Chairman:** I shall put the question that Clause 13 as amended do stand part of the Bill.

Mrs. Moyle.

**Mrs. Edna M. Moyle:** I have some concerns when we put into legislation "police officer may arrest without warrant a person who has committed, is committing, or whom the police officer with reasonable cause suspects to have committed . . ." Are we going to employ police officers who are well trained in computers? Can someone explain this clause to me? To me it is quite a bit of power.

**The Chairman:** Mr. Bodden.

**Hon. Truman M. Bodden:** I have been instructed that the police are now training several officers in this area and that they will ensure that this training is put in place so that when they do exercise the powers under this law, or otherwise deal with investigating this type of crime, that they would have the training and the expertise to capably do so. But it is a wide power.

**The Chairman:** Mrs. Moyle.

**Mrs. Edna M. Moyle:** I thank the honourable minister for that reply, but I wonder if this is going to cause us to now have to employ more police officers. Are the present police officers being trained or do we have to bring in additional officers to be trained?

**The Chairman:** Mr. Bodden.

**Hon. Truman M. Bodden:** I understand that present police officers will be trained.

**The Chairman:** Any further debate? If not, I shall put the question that Clause 13, as amended, do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 13 AS AMENDED PASSED.**

**The Clerk Assistant:** Clause 14. Forfeiture.

Clause 15. Evidence from computer records.

Clause 16. Supplementary provisions on evidence.



Clause 17. Order for payment of compensation.

**The Chairman:** The question is that Clauses 14 through 17 do stand part of the Bill. If there's no debate I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 14 THROUGH 17 PASSED.**

**The Clerk Assistant:** A Bill for a Law to provide for securing computer material against unauthorised access and for related matters.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

#### **THE IMMIGRATION (AMENDMENT) BILL, 2000**

**The Clerk Assistant:** The Immigration (Amendment) Bill, 2000.

- Clause 1. Short title.
- Clause 2. Amendment of section 2 of the principal Law.
- Clause 3. Amendment of section 13 of the principal Law.
- Clause 4. Repeal and replacement of section 34 of the principal Law.
- Clause 5. Addition of new section to the principal Law.
- Clause 6. Amendment of section 36 of the principal Law.
- Clause 7. Amendment of section 48 of the principal Law.
- Clause 8. Amendment of section 74 of the principal Law.

**The Chairman:** The question is that Clauses 1 through 8 do stand part of the Bill.

**Hon. Donovan Ebanks:** Unfortunately, there are a couple of minor amendments that need to be made that have not been circulated.

**The Chairman:** Are they consequential? Could they be done as typographical errors?

**Hon. Donovan Ebanks:** Sir, it's an "it" to a "he" and a (2) to a (3), so . . .

**The Chairman:** I think the honourable Second Official Member could be authorised to make those changes. Do you have a copy of the amendments?

**Hon. Donovan Ebanks:** No, sir I don't. It hasn't been circulated.

**Hon. Truman M. Bodden:** Just tell us what they are.

**The Chairman:** Can you just read out the clauses where the amendments are?

**Hon. Donovan Ebanks:** In Clause 5 (5), the third line, middle of the line 32(1), "as it considers" . . . that should obviously be "*as he considers*" because it's referring to the Chief Immigration Officer.

And in the final line of that same section, item—

**The Chairman:** Excuse me a minute. I think we better re-commit these clauses and go through it properly.

**The Clerk Assistant:** Clause 1. Short title.

- Clause 2. Amendment of section 2 of the principal Law.
- Clause 3. Amendment of section 13 of the principal Law.
- Clause 4. Repeal and replacement of section 34 of the principal Law

**The Chairman:** The question is that Clauses 1 through 4 do stand part of the Bill. If there's no debate I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 THROUGH 4 PASSED.**

**The Clerk Assistant:** Clause 5. Addition of new section to the principal Law.

**The Chairman:** There is an amendment to Clause 5.

**Hon. Donovan Ebanks:** In Clause 5 (5), the third line, middle of the line in section 32(1) [to delete the words] "as it considers" [and replace with] "*as he considers*."

**The Chairman:** I shall put the question on the amendment. I still think they are consequential . . . maybe someone with a legal brain—

**Hon. Truman M. Bodden:** At least in my view they are consequential amendments, changing "it" to "he." I am wondering if the honourable Attorney General agrees.

**The Chairman:** Honourable Second Official Member?

**Hon. Truman M. Bodden:** He does.

**The Chairman:** Well, as I said at the beginning of the committee, consequential amendments would be accepted as made by the Attorney General.

I shall then revert to what we originally did and put the question that Clauses 5 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 5 PASSED.**

**The Clerk Assistant:** Clause 6. Amendment of section 36 of the principal Law.

Clause 7. Amendment of section 48 of the principal Law.

Clause 8. Amendment of section 74 of the principal Law.

**The Chairman:** the question is that Clauses 6 through 8 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 6 THROUGH 8 PASSED.**

**The Clerk Assistant:** A Bill for a Law to amend the Immigration Law.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

#### **THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 2000**

**The Clerk Assistant:** The Trade and Business Licensing (Amendment) Bill, 2000.

Clause 1. Short title.

Clause 2. Amendment of section 18 of the principal Law.

Clause 3. Addition of new section to the principal Law.

**The Chairman:** The question is that Clauses 1 through 3 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 THROUGH 3 PASSED.**

**The Clerk Assistant:** A Bill for a Law to amend the Trade and Business Licensing Law (1999 Revision).

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

**The Chairman:** That concludes proceedings in Committee. The question is that the Bills be reported to the House. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: COMMITTEE TO REPORT TO THE HOUSE.**

#### **HOUSE RESUMED—1.00 PM**

**The Speaker:** Please be seated. Reports.

The Honourable Minister responsible for Education, Aviation, and Planning.

### **REPORT ON BILLS**

#### **THE ELECTRONIC TRANSACTIONS BILL, 2000**

**Hon. Truman M. Bodden:** I have to report that a Bill entitled The Electronic Transactions Bill, 2000 was considered by a committee of the whole House and passed without amendments.

**The Speaker:** The Bill is set down for Third Reading.

The Honourable Minister responsible for Education, Aviation, and Planning.

#### **THE COMPUTER MISUSE BILL, 2000**

**Hon. Truman M. Bodden:** I have to report that a Bill entitled The Computer Misuse Bill, 2000 was considered by a committee of the whole House and passed with several amendments.

**The Speaker:** The Bill is set down for Third Reading.

The Honourable Acting First Official Member responsible for Internal and External Affairs.

#### **THE IMMIGRATION (AMENDMENT) BILL 2000**

**Hon. Donovan Ebanks:** I have to report that a Bill entitled The Immigration (Amendment) Bill, 2000 was considered by a committee of the whole House and passed without amendment.

**The Speaker:** The Bill is set down for Third Reading.

The Honourable First Official Member responsible for Internal and External Affairs.

#### **THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL 2000**

**Hon. Donovan Ebanks:** I have to report that a Bill entitled The Trade and Business Licensing (Amendment) Bill

was considered by a committee of the whole House and passed without amendment.

**The Speaker:** The Bill is set down for Third Reading. Third Readings.

### THIRD READINGS

#### THE ELECTRONIC TRANSACTIONS BILL, 2000

**The Clerk Assistant:** The Electronic Transactions Bill, 2000.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I move the third reading of The Electronic Transactions Bill, 2000.

**The Speaker:** The question is that a Bill entitled the Electronic Transactions Bill, 2000 be given a third reading and passed. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE ELECTRONIC TRANSACTIONS BILL 2000 GIVEN A THIRD READING AND PASSED.**

#### THE COMPUTER MISUSE BILL, 2000

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** I move that a Bill entitled The Computer Misuse Bill, 2000 be given a third reading and passed.

**The Speaker:** The question is that a Bill entitled The Computer Misuse Bill, 2000 be given a third reading and passed. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE COMPUTER MISUSE BILL, 2000 GIVEN A THIRD READING AND PASSED.**

#### THE IMMIGRATION (AMENDMENT) BILL 2000

**The Clerk Assistant:** The Immigration (Amendment) Bill 2000.

**The Speaker:** The Honourable Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I beg to move that a Bill entitled The Immigration (Amendment) Bill 2000 be given a third reading and passed.

**The Speaker:** The question is that a Bill entitled The Immigration (Amendment) Bill 2000 be given a third reading and passed. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE IMMIGRATION (AMENDMENT) BILL 2000 GIVEN A THIRD READING AND PASSED.**

#### THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL 2000

**The Clerk Assistant:** The Trade and Business Licensing (Amendment) Bill 2000.

**The Speaker:** The Honourable Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I beg to move that a Bill entitled The Trade and Business Licensing (Amendment) Bill 2000 be given a third reading and passed.

**The Speaker:** The question is that a Bill entitled The Trade and Business Licensing (Amendment) Bill 2000 be given a third reading and passed. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL 2000 GIVEN A THIRD READING AND PASSED.**

**The Speaker:** We shall suspend proceedings until the conclusion of a Select Committee meeting to be held after the luncheon break.

**PROCEEDINGS SUSPENDED AT 1.08 PM**

**PROCEEDINGS RESUMED AT 4.34 PM**

**The Speaker:** Please be seated.

In accordance with Standing Order 86, I will entertain a motion for the suspension of Standing Order 10(2) in order to continue beyond 4.30.

The Honourable Minister responsible for Education, Aviation, and Planning.

**SUSPENSION OF STANDING ORDER 10(2)**

**Hon. Truman M. Bodden:** I move the suspension of Standing Order 10(2) to continue business beyond 4.30.

**The Speaker:** The question is that Standing Order 10(2) be suspended in order to continue business beyond 4.30. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 10(2) SUSPENDED TO ALLOW THE HOUSE TO CONTINUE PROCEEDINGS BEYOND 4.30 PM.**

**The Speaker:** Moving on with Government Business, Motions. Government Motion No. 2/2000, Amendments to the Development Plan 1977.

The Honourable Minister responsible for Education, Aviation, and Planning.

## MOTIONS

### GOVERNMENT MOTION NO. 2/00

#### AMENDMENTS TO THE DEVELOPMENT PLAN 1977

**Hon. Truman M. Bodden:** I move Government Motion No. 2/2000, Amendments to the Development Plan 1977.

**“WHEREAS:**

**“1. In September 1998, April 1999 and October 1999, respectively, the Central Planning Authority received applications for rezoning of: registration section West Bay Beach South, Block 19A Parcel 5-10, 12-15 and 4 Rem 1, from Heavy Industrial and Mangrove Buffer to Marine Commercial, General Commercial, Hotel/Tourism, Heavy Industrial, Light Industrial and Mangrove Buffer; registration section Prospect, Block 22E Parcel 180 Rem 6, from Low Density Residential to Institutional; registration section West Bay Beach North, Block 11D Parcel 37, from Neighbourhood Commercial to Hotel/Tourism;**

**“2. At meetings of the Central Planning Authority in October 1999, May 1999 and December 1999, respectively, the Authority resolved to proceed with amendments to the Plan, to wit: to change the zoning of Block 19A Parcel 5-10, 12-15 and 4 Rem 1, from Heavy Industrial and Mangrove Buffer to Marine Commercial, General Commercial, Hotel/Tourism, Heavy Industrial, Light Industrial and Mangrove Buffer; to change the zoning of Block 22E Parcel 180 Rem 6, from Low Density Residential to Institutional; to change the zoning of Block 11D Parcel 37, from Neighbourhood Commercial to Hotel/Tourism;**

**“3. In accordance with section 14(2) of the Development and Planning Law, Public Notices of the Authority’s intention to amend the Plan, for the first application, were published on the 1st, 3rd, 8th and**

**9th December 1999; for the second application the Public Notices were published on the 9th, 11th, 16th and 18th June 1999; the Notices for the last application appeared in the Caymanian Compass on the 15th, 17th, 20th and 22nd December 1999;**

**“4. No objections were received within the statutory period of two months;**

**“NOW THEREFORE BE IT RESOLVED THAT in accordance with section 13 of the Development and Planning Law (1999 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposals for alterations to the Development Plan 1997, a summary and map for each is attached hereto and the Legislative Assembly hereby makes the following alterations, additions and amendments to the Development Plan 1997, in accordance with the said summary and maps, which shall come into force seven days after the passing of this Resolution: that registration section West Bay Beach South: Block 19A Parcel 4 Rem 1 (part) from Heavy Industrial and Mangrove Buffer to Heavy Industrial, Mangrove Buffer, Marine Commercial, Hotel/Tourism and General Commercial; Block 19A Parcels 10, 13, 14, 15 from Heavy Industrial to Light Industrial; that registration section Prospect, Block 22E Parcel 180 Rem 6, from Low Density Residential to Institutional; that registration section West Bay Beach North, Block 11D Parcel 37, from Neighbourhood Commercial to Hotel/Tourism.”**

Under the Development and Planning Law the process is that persons can apply to the Central Planning Authority to have property re-zoned. It then goes to a public hearing and the matter is fully aired. The tribunal reports back to the Central Planning Authority at which time it then takes a decision whether or not to send the re-zoning application to this honourable House.

There’s a process that comes from the legal point of view directly from the Central Planning Authority to the Legislative Assembly and I merely take it in through Executive Council for permission to bring it here, but not to amend, approve or disapprove it.

I have brought several of these in the past. As I said, it is my duty to bring here that which the CPA wishes to send to this honourable House. I therefore ask members to please support this motion.

**The Speaker:** Government Motion No. 2/2000 has been duly moved. Does any member wish to speak to it? (Pause) Does any member wish to speak to this motion? If not, does the mover wish to exercise his right of reply?

The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Just to thank honourable members for their support.

**The Speaker:** I shall now put the question on Government Motion 2/2000. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: GOVERNMENT MOTION NO. 2/2000 PASSED.**

**The Speaker:** I have a request from the Honourable Minister responsible for Education, Aviation, and Planning to make a statement. I have granted such request.

The Honourable Minister responsible for Education, Aviation, and Planning.

## **STATEMENT BY MINISTER OF GOVERNMENT**

### **ACADEMIC PROBATION POLICY AT TRIPLE C SCHOOL**

**Hon. Truman M. Bodden:** Thank you for granting that permission. This is a statement on the academic probation policy at Triple C School.

As a private school, the Board of Governors of the Triple C School have the right to make the academic probation policy, or any other policy, as long as it does not contravene the Education Law. It is my understanding that neither the Ministry nor the Department of Education had any knowledge of this new policy until they were contacted by a member of the press and by parents of the affected student.

There is no requirement under the Education Law for a private school to file their internal policies with either the Education Council or the Ministry of Education. A committee is now working on a new Education Law.

Private schools provide an alternative to the government schools and receive an annual support grant, but they are not required by law to either admit or retain a student. Government, on the other hand, is required under the Education Law 1983 to provide education for all students in government schools up to the age of 16. Every effort will be made to place those students affected by the academic probation policy who wish it in government schools. Government schools do not have an academic probation policy.

**The Speaker:** That concludes business before this honourable House for this meeting.

At this time I would like to take the opportunity to thank Members for their courtesies and tolerance to the Chair. I would like to thank the Deputy Speaker for the able way in which she handled the Chair during my absence, the Clerk, the Deputy Clerk, members of the office staff, the Hansard officers, the Serjeant-at-Arms and Anita for the efficient service rendered to us all during this meeting.

I would like to wish all members a pleasant vacation, if anyone can find the time!

I will now entertain a motion for the adjournment of this honourable House. The Honourable Minister responsible for Education, Aviation, and Planning.

## **ADJOURNMENT**

**Hon. Truman M. Bodden:** Mr. Speaker, I am extremely happy to move the adjournment of this honourable House until Wednesday, 6 September at 10.00 AM.

If I may, sir, I wish to thank you, the Clerk, the Deputy Clerk and all Members of this honourable House, and all staff of the Legislative Assembly for their help and their assistance with these meetings, many of which have been very long, as we did sit at times from 10.00 in the morning until 7.00 at night.

I too wish all honourable Members, and you, and staff, a happy vacation until 6 September.

**The Speaker:** The question is that this honourable House do now adjourn until 6 September 2000, at 10.00 AM. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.44 PM THE HOUSE STOOD ADJOURNED UNTIL  
10.00 AM WEDNESDAY, 6 SEPTEMBER 2000.**

**EDITED  
WEDNESDAY  
6 SEPTEMBER 2000  
10.00 AM**

*[Prayers read by the Honourable Minister for Education, Aviation and Planning]*

**The Speaker:** Please be seated.

The Legislative Assembly is in session. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have received apologies from the Honourable First Official Member who is presently acting as Governor of the Cayman Islands, the Honourable Second Official Member who is off on official duties, the Fourth Elected Member for West Bay who is ill and not able to attend.

Item number 3 on today's Order Paper, Administration of Oaths. Oath of Allegiance to Mr. Donovan W.F. Ebanks, MBE to be the Honourable Temporary Acting First Official Member.

Mr. Ebanks will you come forward to the Clerk's table? Will all honourable Members please stand?

**ADMINISTRATION OF  
OATHS OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**

*(Mr. Donovan W.F. Ebanks)*

**Hon. Donovan Ebanks:** I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

**The Speaker:** Mr. Ebanks, on behalf of all honourable Members I welcome you to this House for the time of your service. Please take your seat as the Temporary Acting First Official Member.

Mr. Samuel Bulgin to be the Temporary Acting Second Official Member. Mr. Bulgin, please come forward to the Clerk's table.

**OATH OF ALLEGIANCE**

*(Mr. Samuel Bulgin)*

**Mr. Samuel Bulgin:** I, Samuel Bulgin, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

**The Speaker:** Mr. Bulgin on behalf of all honourable Members of this Legislative Assembly, I welcome you to the House for the time of your service. Please take your seat as the Honourable Temporary Acting Second Official Member.

Please be seated.

Item number 4 on today's Order Paper, Questions to Honourable Members/Ministers. Question number 49 standing in the name of the First Elected Member for West Bay.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 49**

**No. 49: Mr. W. McKeeva Bush** asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources to list the total staff complement of the Water Authority by nationality and job description.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The total staff complement of the Water Authority by nationality and job description is as follows *(See Appendix I attached)*.

**SUPPLEMENTARIES**

**The Speaker:** Supplementaries, the First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I might have missed it but can the minister say who is the director now?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The director remains the same—Mr. McTaggart.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I appreciate that answer. I can see that gentleman is in the House, I suppose he is still in charge but we know that he has tendered his resignation. Not seeing the post . . . would the minister say, if this is so, then, who will be the director?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The replacement will be Dr. Gelia Frederick van Genderen, who is the deputy. My understanding is that once the new director is in place (who is now the deputy) there will be a recommendation for an appointment of deputy.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Is the minister saying as of yet there is no agreement whether that person will be from within or from without the office or from overseas?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** Not to the best of my knowledge.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the minister state what the procedure will be in selecting a new deputy?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** As I mentioned earlier, the assessment will have to be carried out by the new director who in turn would make recommendations to the Board but thus far there has been no recommendations.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** So, am I to understand that it is the Board who makes the final selection for such a post?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The recommendations as I pointed out will come before the Board for a decision.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Can the honourable minister say if there are any Caymanians presently on staff who are qualified to fill this deputy director position?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** It is my understanding that there are Caymanians capable of filling that.

**The Speaker:** No further supplementaries? We will move on to question number 50 standing in the name of the Third Elected Member for Bodden Town.

### QUESTION 50

**NO. 50: Mr. Roy Bodden** asked the Honourable Minister responsible for Agriculture, Communications, Environment and Natural Resources to state whether the sewage treatment facility is functioning at its optimum efficiency.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources

**Hon. John B. McLean:** The Water Authority's sewage treatment facility off Seymour Road in George Town is not currently operating at its optimum efficiency.

### SUPPLEMENTARIES

**The Speaker:** Supplementaries, the Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the minister inform the House since when this situation has existed?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The sewage treatment facility was commissioned in 1987 and was designed to cater for a total inflow of \$1.2 million gallons per day. This peak design flow was not anticipated to occur until 2006. The actual population growth within the West Bay beach service area has been considerably greater than the predicted growth rate at the time the plant was designed.

Additionally, some sewage collection pipes have developed various leaks, which are regularly repaired; therefore, the actual inflow to the plant has been in excess of 1.4 million gallons per day since 1998.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the minister say why efforts were not made to address this seemingly increasing problem prior to it reaching this level?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** In April 1998, the Water Authority Board accepted a recommendation from management to replace the existing plant with a sequencing batch reactor plant on the same site. The new plant will be modular and has been designed to cater for a total inflow of 2.5 million gallons per day. The new plant can be expanded to a total treatment capacity of 10 million gallons per day and three additional upgrades. The design inflow

of 10 million gallons per day is not expected to occur until the year 2020.

Design work for the first phase of the new plant is 95% complete but the project is on hold until financing has been approved by the Government.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** The sewage treatment facility was recognised as operating at its maximum level of efficiency some time ago. The Authority put in place, in 1995 or 1996, a ten-year development plan that recognised this. Also, plans were made to rectify the situation in a timely and efficient manner. Can the minister say what is now holding up the rectification of this matter?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The Board of Directors for the Water Authority has secured the financing for the project. The matter has been sent to government for approval and that is where the matter stands at this time.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the honourable minister say what is the hold-up with Executive Council in not giving their assent to the financing and how long has Executive Council had this matter in hand?

Mr. Speaker, I should say that we went to visit—I think you were part of the delegation that went to visit the garbage dump and saw what was happening there. So, we all know what the situation is. Government is aware. When I say ‘government,’ I think a lot of people are getting that mixed up between this side of the House and that side of the House. Executive Council is well aware of what the situation is. Can the minister say what is the hold-up?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** As I pointed out, the Board of Directors secured financing through a local bank. The matter was referred to Executive Council through my ministry. It was actually put before Executive Council, I think, in October last year. I cannot go into detail as to what took place in Executive Council, as members are aware, but that is where the matter stands at this time.

**The Speaker:** Do you have a follow-up? The Third Elected Member for Bodden Town has been waiting.

**Mr. W. McKeeva Bush:** It is a follow-up, sir. I don't know whether you are going to allow or whether—

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, we are well aware that the minister cannot bring executive matters into public unless otherwise agreed by his colleagues. However, the minister can say what is the reason. Is there a reason—other than a financial reason—why Executive Council has not yet agreed for this borrowing?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources, I think, that is asking you for an opinion. I cannot allow it.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** The minister has admitted that the sewage treatment facility has not for some time been working at optimum efficiency. The minister from his answer also stated that it is inadequate. The minister also gave in supplementary answer that there is leakage among some of the sewage lines. Can the minister say why extrapolating from both operating below optimum efficiency and the leaking of the sewage lines—why this seemingly health hazard is still waiting to be addressed?

Mr. Speaker, it has to be considered a health hazard. Why is it still waiting to be addressed?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** I think I am correct in saying there is nothing hazardous in public health with the two matters raised.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** May I ask the minister on whose authority he is giving that answer? Does he have documentation to that effect? If sewage lines are leaking and the treatment facility is not operating at optimum facility, it has to be a health hazard. It is my information that sometimes along the Seven Mile Beach road there is an offensive odour emanating from the malfunctioning of those treatment plants and not the garbage dump.

So, if water is leaking also from the lines, who is to say that the water lenses are not being contaminated? I would like to know if he has scientific evidence upon which to base his answer and if he can table it in the House, sir.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** I have been told by the director that it is not sewage leaking into the water table; it is water leaking into the sewage lines which is pumped to the sewage ponds and treated—the pressure of the outside water leaking into the pipes. So, that is why I answered the question the way I did.



**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** It is my understanding that the major problem the Water Authority is experiencing is the problem with the pipes along Seven Mile Beach. I wonder if the honourable minister can say what are the reasons for this occurring, seeing that the scheme is probably eight to ten years of age.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The leaks can occur for various reasons including power installation of the pipes, heavy road traffic and damage by construction activity. The Authority has been extremely successful over the past eight years to repair these leaks using in-house resources and overseas contractors.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I wonder if the honourable minister would confirm that one of the major reasons for the present problem is that the recommended pipes for that particular scheme were not accepted?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** It is my understanding that the pipes that were put in place were spec for the project so it was not really a fault of that. Apparently, it was as I pointed out—some of connection and others because of damage to them.

**The Speaker:** The First Elected Member for West Bay. There will be two additional supplementaries after this.

**Mr. W. McKeeva Bush:** The last time that a guarantee was asked for the Water Authority was when we did a local amalgamation of Caribbean Development Bank (CDB) loans. I would suspect that this loan, if it is to be a loan, would need a government guarantee.

*[Inaudible comment]*

**Mr. W. McKeeva Bush:** Well, maybe it will not. Maybe the minister ought to say whether it will need government guarantee from this honourable House. But I am wondering if the Financial Secretary—seeing that this is such an important matter—when he comes to Finance Committee soon, would he be disposed to discussing that matter at that time?

**The Speaker:** I think this question is directed to the minister responsible for Agriculture, Communications, Environment and Natural Resources not the Third Official Member.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The member is correct. There is no guarantee needed from the government for the loan. However, section 12 of the Water Authority Law states that it must be approved by the government and for that reason although the loan could be secured by the Water Authority, it must have the blessing of the government.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** From the various supplementaries that the minister has answered, it is clearly a fact that the Water Authority by its own independent means and resources has been able to acquire the financing necessary for the long-term development of the new sewage treatment plant.

By admission, the minister has also stated that the government does not have any requirement with regards giving any guarantees for the financing to be secured. Understanding what section 12 of the law says regarding the blessings of the government to be received before borrowings can be engaged in, the minister must be able to answer and I will ask him. If it is clearly understood, the situation that prevails with the present sewage treatment plant and the importance of fixing it, how can the government be deliberating for eleven months without giving a reply to the Water Authority? And where is the priority?

Does this, in fact, have anything to do with the level of contingent liability which the government might be looking at, and if so, would the minister say so?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The Financial Secretary whose portfolio would have to be dealing with this also, has said that he would be willing to say more on this.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Thank you very much.

The request to support the borrowing of the Water Authority has been put to Executive Council for consideration and is presently under review. At this point in time, there is a team that is headed by the Assistant Financial Secretary within the Portfolio of Finance and Economic Development. There is a paper that is presently being put together, a submission to Executive Council at this time. This is being co-ordinated by the Deputy Financial Secretary. That paper will deal with the portfolio's comments on the proposed borrowing by the Water Authority and it will also be dealing with the expected rate of contribution that this honourable House has said should be addressed in terms of statutory authorities contribution to central government.

So, all of this information is being rolled up in that paper which will be ready for consideration at next week's meeting of Executive Council.

**The Speaker:** This is the final supplementary. Do you have a follow-up?

**Mr. D. Kurt Tibbetts:** Certainly, sir.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Understanding what the Honourable Third Official Member has just said—and I trust that he will not suggest there is no relevance—I want to find out based on what he has outlined with this paper being prepared with regard to contribution coming from the Water Authority in the future, how then was the situation dealt with the borrowings being engaged in by the Port Authority for their expansion programme?

Was it a similar process or not?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Each set of circumstances will have to be taken on its own merit. The circumstances prevailing at the time when the loan for the Port Authority was negotiated would have been different, but this is not a one-sided activity. It is one that involves discussion with the director of the Water Authority, and discussions have been taking place between the Assistant Financial Secretary and [the director] in terms of the methodology. But there is no question that there will be any reluctance on the part of the portfolio in addressing the request that has been put forward by the Water Authority for borrowings.

As I said, the portfolio cannot give a commitment against this; this is a matter that will have to be addressed by Executive Council. The financial implications have been examined. The viability of the project had to be looked at very carefully because it is not a question of the borrowings by statutory authorities. It is not a question of, let's say, a decision to support or not to support, because if there is the potential for a contingent liability to arise that could become a burden on the revenues of this country. Mr. Speaker, that will also have to be gone into and brought to the attention of the government and this honourable House. These are matters that will have to be looked at very carefully in order to make a proper assessment as to the project viability and this is a significant expansion. It is not one that can be regarded as just a simple add on.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, may I address the Chair, sir?

**The Speaker:** I have ruled that there would be no additional supplementaries.

**Mr. D. Kurt Tibbetts:** I did not ask you about any supplementary, Mr. Speaker, I asked if I might address the Chair.

**The Speaker:** Certainly!

**Mr. D. Kurt Tibbetts:** Thank you. I would just like to point out to you, Mr. Speaker, and humbly make a request—not questioning your judgment at any time—that when questions and supplementaries are asked and they have to be left hanging in the air, I would humbly ask you, sir, if you would try to allow some closure in certain areas. Many times we find that we had just as well not asked anything because we are cut off before understanding anything. I am saying that with the greatest of respect, sir, and I am asking you.

**The Speaker:** I thank you for that but we will move on to question number 51 standing in the name of the Second Elected Member for Bodden Town.

#### QUESTION 51

**NO. 51: Miss Heather D. Bodden** asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works if any consideration is being given to the construction of a sub-fire station in the district of Bodden Town.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Yes, consideration is being given to the construction of a sub-fire station in a central location in the district of Bodden Town. Some possible sites have been identified and relevant information submitted to the Lands and Survey Department for assessment and acquisition. Provision for the purchase of the site will be included in the 2001 Budget.

#### SUPPLEMENTARIES

**The Speaker:** Supplementaries, the Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** I noticed that the honourable minister said in his answer that some possible sites have been identified. Would the honourable minister give an undertaking that he will meet with the three representatives of Bodden Town just to give us an understanding and a clear view of where this property might be located?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, it shall be my pleasure to meet with the three members.

**The Speaker:** If there are no further supplementaries, we will move on to question number 52, standing in the name of the Second Elected Member for Bodden Town.

### QUESTION 52

**NO. 52: Miss Heather D. Bodden** asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works to provide a list of road works carried out in Bodden Town since the beginning of this year to date.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The following projects have been carried out in Bodden Town to date this year:

- Bronte Way – Selina subdivision
- Brooke Street – Selina subdivision
- Yeats Street – Belford Estates
- Bodden Town Relief Road – cleared and filled a section
- Woods Close
- Kipling Street

Projects scheduled for the remainder of 2000 are as follows:

#### **District Road Programme**

- Sea Spray Road (off Beach Bay Road)
- Will T Road
- Macaw Road (off Will T Road)
- Homestead Road (Eden Crescent)
- Daffodil Street (off Cumber Avenue)
- Kitty Lane

#### **Road Resurfacing Programme**

- Will T Road to Bronte Way (Lower Valley to Pease Bay)
- Spotts Landing to Savannah Meadows
- Northward Road
- Hirst Road

In addition to routine maintenance such as patching, grass-cutting, and drainage, works are being carried out throughout the district on an ongoing basis.

### SUPPLEMENTARIES

**The Speaker:** Supplementaries, the Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** Could the honourable minister just give the House and the listening public an update as to what is taking place in the Lower Valley area between Will T Drive and, I think it's Star Apple Road on the main road?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I would prefer to do a little letter to the members to make sure that the information which I am trying to convey is accurate and I would undertake to do that tomorrow.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** There have been various requests for some maintenance and upgrading to be done on the original road which now passes behind the Dominos building located in Savannah, linking up with the Pedro Castle Road. Can the minister say if he will be able to address these requests when work is being done in the district in the future?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I do not have the road programme for Bodden Town with me this morning in that detail. I will be happy to look at it and see whatever can be done and I will certainly speak to the Third Elected Member for Bodden Town and the other members, accordingly.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Would the honourable minister say if all these roads are gazetted public roads? If some of them are not, could he say if any consideration is being given to roads in the Savannah Acres area?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Without the full details I am hesitant to say that they are all gazetted roads but if they are not, they are in the process of being gazetted and I will undertake to provide that information to the Elected Member for North Side and in turn also supply information on the roads in the Savannah Acres area.

**The Speaker:** If there are no further supplementaries, we will move on to question number 53 standing in the name of the Second Elected Member for Bodden Town.

### QUESTION 53

**NO. 53: Miss Heather D. Bodden** asked the Honourable Minister for Tourism, Commerce, Transport and Works to provide an update as to the progress of implementations or amendments of the Laws in regards to Private Member's Motion Number 18/99 "Assistance for the Physically Challenged".

**Hon. Thomas C. Jefferson:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Instructions have been given to the Legal Department for the drafting of the legislation which will be brought to the House during the current meeting.

### SUPPLEMENTARIES

**The Speaker:** Supplementaries, The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the honourable minister would say if this legislation will cover all aspects of Private Member's Motion 18/99 including airlines? We were supposed to provide proper ramps for handicapped passengers to be able to board aircraft and disembark.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I do not believe at this stage that the legislation is likely to cover ramps for airlines but it does cover parking and it does identify cars that are being driven by disabled persons. It also creates some offence if you park in a disabled parking spot. Those sorts of things will be covered in the law. Obviously, there are other things that need to be covered but on the grounds of urgency. Trying to get the important ones first, we decided to go this route. If this offends anyone, I apologise. But I think we need to get the parking sorted out for disabled persons.

**The Speaker:** No further supplementaries? We will now move on to question number 54 standing in the name of the First Elected Member for George Town.

### QUESTION 54

**NO. 54: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for Education, Aviation and Planning to give an update on the proposed resurfacing of the Gerrard Smith Airport.

**The Speaker:** Honourable Minister before asking you to answer the question could you move a motion for the suspension of Standing Order 23(7) and (8).

### SUSPENSION OF STANDING ORDER 23(7) AND (8)

**Hon. Truman M. Bodden:** I move the suspension of Standing Order 23(7) and (8) for questions to continue beyond 11.00 AM.

**The Speaker:** The question is that Standing Order 23(7) and (8) be suspended in order that Question Time can continue beyond the hour of 11.00 AM.

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

**AYES.**

**The Speaker:** The Ayes have it. Question Time continues.

**AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED.**

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The closing date for tenders for the resurfacing of Gerrard Smith Airport was 25 May 2000. Tenders were received from Island Paving/Lagan Holdings Joint Venture, Associated Holdings and Scott Development Co/Ajax Paving Industries Joint Venture. Following an evaluation and technical appraisal, a recommendation for award of contract was submitted to the Central Tenders Committee on 31 May.

The award of the contract is delayed pending the approval of a Government guarantee for the financing of the project by Finance Committee.

### SUPPLEMENTARIES

**The Speaker:** Supplementaries, the First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the minister state if it is the intention of the government to bring forward the request for this guarantee at the next sitting of Finance Committee?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Yes, Mr. Speaker, it has cleared Executive Council and it will be on the next agenda for Finance Committee, at least, I hope it will.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the minister state giving some technical details, if possible, exactly what is considered to be the condition of the surface at the Gerrard Smith Airport at present and how urgent is the matter in the area of safety of aircraft?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** That is a good question. It is one that the Honourable Minister from Cayman Brac has raised several times with me and she continues to monitor this aspect of it.

The position is that we had Boeing, who makes the aircraft, come and check it and while it is rough, it is safe and was cleared from a safety point of view. However, it is urgent, I think, that we try to move on very quickly. I believe it has the support of all Members of the House here, I would think. I see one or two members shaking

their heads, hopefully, that is a yes. It is something, sir, that I will try to put in place within the next few weeks, because we are off again this weekend. But this needs to begin this year if possible, or in the very near future.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the minister state once the project commences, if there is any idea about the length of time the project will take to complete?

**Hon. Truman M. Bodden:** Approximately three months.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the minister state just for purposes of clarity, whether it is the usual method employed whereby any contracts that are to be awarded—once the Government guarantee is required—that the contract is not awarded until the guarantee has been approved by the necessary agency, in this instance, the Finance Committee?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Once the financing has a requirement for guarantee, then nothing can be done until that guarantee is put in place for it because obviously the money cannot be released so the Central Tenders Committee won't release it.

As has happened more recently with, I think, one of the other statutory authorities, if the requirement for a guarantee is not there . . . well, sometimes—

**Mr. D. Kurt Tibbetts:** Guarantee, not money.

**Hon. Truman M. Bodden:** No, I understand. I am saying the reason for the guarantee is that the guarantee would go to the bank. If the bank says, *'I need a guarantee'* then Central Tenders Committee says, *'get a guarantee before'*. If that can be done without a guarantee then obviously we would not have to come here for a guarantee. I regard it as urgent and I would like to see this thing started within the next month or two.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the minister state how long ago this approval was given by Executive Council?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, it was about three to four weeks ago. After these came in a study had to be done on it and I would say three to four weeks.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** My final supplementary, sir.

Based on what he has answered with the supplementaries thus far, that once the approval has been given by Finance Committee . . . my understanding is there should be a meeting of Finance Committee during this meeting. Then there is no other hold-up. And once due process takes place everything will go on. Bearing in mind, sir, that I am not quite sure at this point in time because of the length of time that has gone on, can the minister state then whether these people with their joint ventures now have to re-negotiate to get things in place with their partners from overseas who would be actually doing the work?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Unless there is anything unforeseen, things would go ahead as normal. I should, however, mention one of the things that (and I was just discussing this with the Honourable Third Official Member) we will be trying to explore with the negotiating team which is the Third Elected Member for George Town, the Honourable Minister for Tourism, the Honourable Third Official Member, the Honourable Second Official Member and myself going off. We are getting close to a time where the bids were given as an outer limit to do this.

What we may be able to do if we are not able to get a Finance Committee before then, is to find out whether this is something we could take to Executive Council or whether the Central Tenders Committee would look at it. That may not be legally possible. I am just mentioning this because it was risen. If not, whether a guarantee is absolutely necessary for the financing. If it is not necessary then obviously it would not require the Finance Committee.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, I did say my final supplementary, but surely, sir, with that answer you will allow me to ask a question. For purposes of clarity, I just want the minister to explain, and I see where the Honourable Third Official Member seems to be able to clear the air and I will give way if he is prepared to say something. Is that the case?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, thank you very much for allowing me to comment on this very important subject.

The Honourable Minister having responsibility for this subject, and the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture,

having responsibility for the Sister Islands administration both recognise the urgency and importance of getting this project on the way. It is quite obvious that the lives of our citizenry will have to be of paramount importance following procedures to the exact degree of the law.

What the honourable Minister of Education and I discussed this morning was that since the approval of Executive Council has already been granted for Finance Committee's approval to be sought for allowing the guarantee, I suggested to the honourable minister, as he just outlined, that what should be done today is that another submission should be put to Executive Council which would be dealt by what is called round-robin approval. This is obtaining an undertaking from the government to support the guarantee in Finance Committee.

It is not a question of the numbers but this is one where given the several questions posed by the First Elected Member for George Town, it is quite obvious that this subject is of significant importance to all Members of this Legislative Assembly.

So, this is just an assurance that the guarantee will be supported in Finance Committee. On this basis I spoke to the Chairman of the Central Tenders Committee a short while ago, suggesting that be used as a holding facility until the final guarantee is issued in that the Central Tenders Committee would go ahead and take its decision on the basis. I know that there is a risk factor involved but given the importance of this—it is one that is almost easy to read the minds of Members in the Legislative Assembly on a matter of this magnitude and/or significance that there would not be anyone objecting to this guarantee being given.

**The Speaker:** No further supplementaries? That concludes Question Time for this morning.

Honourable members in view of the free mobility of members in and out of the Chamber, I am going to waive taking the breaks during this meeting in order to save time.

We will now go to Item number 5, Other Business, Private Members' Motions. Private Member's Motion No. 25/00. Capt. E. L. Solomon's Subdivision off Eastern Avenue, to be moved by the First Elected Member for George Town.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 25/00

##### CAPT. E. L. SOLOMON'S SUBDIVISION OFF EASTERN AVENUE

**Mr. D. Kurt Tibbetts:** I wish to move Private Member's Motion No. 25/00 entitled Capt. E.L. Solomon's Subdivision off Eastern Avenue. The Motion reads as follows:

**"WHEREAS Capt. E. L. Solomon's subdivision off Eastern Avenue commonly known as 'The Swamp' has been in existence for over twenty years;**

**"AND WHEREAS at present there are at least fourteen land owners who have built homes on their properties, but have not been able to obtain title for their land and homes;**

**"BE IT THEREFORE RESOLVED THAT the Government, through all its necessary agencies find the ways and means to resolve the situations that these lands-owners be allowed to take title of their properties;**

**"AND BE IT FURTHER RESOLVED THAT the consideration for stamp duty involved in these transactions be what the properties were valued at the time of final payment of each piece of property."**

**The Speaker:** Do we have a seconder?

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I beg to second the motion, sir.

**The Speaker:** Private Member's Motion No. 25/00 has been duly moved and seconded. Does the mover wish to speak to it?

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** This is perhaps one of those motions which is not going to take very long and I trust that the government will see it fit to support once the intention is outlined clearly. I will go through the motion as it is outlined in sequence and hopefully I will have explained the situation which obtains with clarity.

This subdivision has been a 'bone of contention' with the Central Planning Authority and the developer for many years but the motion does not seek to address any circumstances involving the developer and the Central Planning Authority. What the motion seeks to achieve is understanding what has occurred and where the situation is now to bring about a resolution to the problems that exist.

As I understand it, when many of the original purchasers of property for this subdivision were engaged in making their payments they were given the understandings that the developer of the subdivision, once payments had been completed, would be able and willing to transfer titles to the purchasers. Some of them went ahead during the course of purchase to begin construction of their homes. If I am not mistaken—and while I am not with 100 percent understanding of it—at that time, I don't think any assessment would have been made when it came to the stamp duty on these properties. I don't think any assessment would have been made on any development on the property because it was the proposed owners of the properties who were developing it.

As it transpired, on completion of payment for several of these plots of land, the Central Planning Authority deemed that the subdivision had not met the require-

ments so they were not prepared to give the Lands and Survey Department the green light to issue numbers to the various lot owners.

During the back and forth and times of frustration, these people with their own ambitions and drive, assuming that the matter would have been sorted out in a fairly timely fashion, went ahead and built their homes. Now, without having to go into all the details, we have ended up here with some fourteen landowners living in their homes for many years and in actual fact they cannot get titles for their properties.

Mr. Speaker, this is not something brand new to us. Several of us in the Legislative Assembly now, either by being in the Legislative Assembly or as your goodly self, sir, served on the Planning Board during the time when this was going on. I think many of us understand certain of the difficulties which exist.

The government, recognising that regardless of the legalities of the situation there are people who live in this subdivision who have gone in on more than one occasion including up to recent times and actually did a fair amount of work on the roads in this subdivision to bring the roads up to standard. I am certain the people who live in that area are quite appreciative of this.

So, basically what we wish to achieve with this is simply to have government look at the situation and whatever agencies need to be involved—whether it be the Planning Department, the Lands and Survey Department and certainly the Portfolio of Finance and Economic Development—they must also play a role in it with regards to deciding on how the transfers are done.

We simply wish to achieve the point where the landowners can, once an assessment has been made as to what the value of the property was when each of them completed payment of the property . . . In other words, if everything was in order when they finished paying for the property, they would then have been able to transfer at that time. Unfortunately this could not occur. I take the view that it is unfair to expect to penalise them to what the value of the property should be now especially the fact that they have homes on these plots of land.

So, if you were to follow the law as it exists, they would have to be charged 7.5% of both the value of the land and the home that is on the land. Certainly, this would put them at a serious disadvantage and basically, I don't think they are at fault to the point where they should be penalised; hence the purpose of the motion.

Mr. Speaker, there is another matter which complicates the issue and I will explain that because perhaps some people might not be aware of this. It is my understanding from the Planning Department that there are five of these homeowners who have physically built—because of not knowing exactly where their properties were located and not having lot numbers—beyond their boundary line into someone else's property or built within the setbacks required. As a result, while the houses are there, the fact is the buildings to a certain degree are illegal.

But that is still not the end of the world and it is better for us to know the situation rather than get the hic-

cup in the middle of it. The fact is those people who have built outside of their boundaries and/or within the setbacks required by law, have built not on to other lot owners' land. I think if that is the case it would only be one and I am not even sure that isn't sorted out by now. But what they have done inadvertently is that they have actually built on to the property that is directly butting and binding the subdivision and that is all one huge piece of property. I have spoken to the owners of that property who understand what has occurred and they are quite willing, once the various agencies trip-in to have what is necessary done by way of whatever measurements have to be done. I think it can be done on a straight line so that the property does not get an irregular shape.

Now, what has not been addressed in the motion, Mr. Speaker, is basically who is going to pay for this regarding the additional property. I did not know at the time of the motion that some of these landowners had actually built on to someone else's property. It is best for the issue to be addressed now than to hear about it later and everything comes to a standstill, assuming the government is of a mind and prepared to accept the motion.

Perhaps, a reasonable assessment can be made by way of the purchase of this little strip of land. It probably does not need to be any more than 10 or 15 feet wide in order to allow the landowners to be on their own property. Again, what will have to be purchased is the strip of land that is purchased from the adjoining land owners which will then have to also be subdivided to be added on to each individual lot that it butts and binds. I think perhaps a reasonable assessment can be made.

The problem with the effort is, if we leave it to the individuals right now, five years from now, God willing, all of us are alive and we talk about it, the matter is going to remain the same. The time has gone on to where you have a second generation of these people coming up and you don't want them to face that type of situation with children involved and not knowing with regards the ownership of property and that type of thing, we want to get the matter sorted out.

So, I believe that it is in the best interest of all concerned for government to simply take the bull by the horns, use the necessary agencies and just get what has to be done, done. Make a fair assessment so that the landowners know exactly what they are going to get; what they will have to pay; and create a reasonable time frame for this to be done so that they may acquire their individual lots and have titles transferred into their own names.

I think that is a fairly detailed explanation of exactly what the situation is and what the motion seeks to achieve. Perhaps, without going any further I would invite the government to make its comments or anyone else who wishes to speak to the motion so that we can see exactly where to go from here.

Thank you.

**The Speaker:** The floor is open to debate, does any other member wish to speak?

The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** Mr. Speaker, although the contents of this motion will spread over two ministries and two portfolios, I have been asked to reply on behalf of government.

Government is pleased to accept the motion and is prepared to bring together the various parties concerned being the ones that I have just mentioned, and to do whatever is possible to try to assist this matter which has been outstanding for a long time. I will agree with the First Elected Member for George Town that matters such as this one need to be put to rest. It is no use allowing it to continue. I believe that the Planning Department, the Finance Department, Lands and Survey Department and I think the Legal Department, will have to be involved working together and taking the necessary steps to try to make it right.

The second "Whereas" in the motion, with regard to titles, it is my understanding that part will have to be worked out somewhat with the assistance of the government, the proprietors and the party actually mentioned in here. It would be a matter of them obtaining their title outright, but of course the guidance that is necessary from Lands and Survey will be given.

So, without saying more on it, the government will definitely work along with them on this and try to have it rectified.

**The Speaker:** The floor is open to debate.

The Fourth Elected Member for George Town.

**Dr. Frank McField:** My office is located some 10-15 minutes within walking distance of this subdivision off Eastern Avenue. I remember making a district road tour with some members from George Town and the government shortly before the Christmas holidays. I remember specifically speaking about this matter with the First Elected Member for George Town. I am, as I was then, in support of that basic idea of bringing this matter to some kind of resolution that would not penalise the persons that bought land in that area in good faith.

I, however, have but one question (and perhaps when the First Elected Member for George Town gets up to wind-up perhaps he can give an explanation) as to why it was necessary to seek a seconder from a different district since I do assume that all elected Members of the district of George Town would have been anxious to have participated in this particular effort from the very beginning. Since that has not been the case, I would like to lend my support to this motion.

**The Speaker:** Does any other member wish to speak? The floor is open to debate.

The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** As in the case of the Fourth Elected Member for George Town my contribution will be short, since for many years I, too, have felt that this

matter should be rectified. I don't think that any particular government administration can be blamed for this matter not receiving attention since, as the motion states, the problem has been in existence for over some twenty-five years.

Even though the matter is being brought before this honourable House three weeks before its dissolution and within weeks of a general election when very little can be done to rectify this issue, I nonetheless congratulate the mover and seconder for bringing this matter up which hopefully will be given top priority by the next government sworn into this House.

I too would wish to see that the 14 or so landowners will not in any way be penalised with the stamp duty and other costs involved and any transfers necessary but that government will give consideration to these individuals.

Mr. Speaker, when I heard of this motion it was also my feeling that perhaps an ancillary motion, or maybe as a part of this one, some suggestion or resolution should have been made in regards to some of the other poor people in that area and the necessity for some of them to obtain the necessary properties for their homes. Many are destitute—don't have any where to live. I had suggested to the First Elected Member for George Town that perhaps he and I should have brought a motion to the effect that government should consider purchasing some additional property in and about the Watler's Road area and in this general vicinity to assist these individuals.

It will indeed be my intention, if I am given the opportunity at a later date, to ensure that those individuals obtain their own homes. Government should get directly involved in the purchase of the necessary land if indeed; this is necessary to assist those individuals.

Mr. Speaker, I give my full support to this motion and I trust that as soon as possible, whichever government is in power will give urgent attention to rectifying this issue. Thank you.

**The Speaker:** Does any other member wish to speak?

The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I too have spoken, over many years in fact, to persons who have had problems on the earlier property that Mr. Solomon dealt with in this subdivision. Believe me, they do have my full sympathy in this matter and I am going to try as best as I can to set out what appears to be the position.

What has happened is that over the years Mr. Solomon has been selling land that sometimes has not had planning approval, or alternatively has had planning approval subject to conditions that were never fulfilled. People in good faith, and quite rightly from their point of view, have paid good money to Mr. Solomon and they have built their houses on this property.

Now, as far as it is within the law, the government will support and do everything that it can to assist these people, as indeed it has done in the past. The problems that they have are not problems that have been created by government or planning or anyone else; the problems



arise from the owner of the land who has sold property to these people over the years. They are people who have worked hard for their money and obviously they are upset that they do not have titles to their properties.

Now, what I understand to be the position . . . And by the way these problems stem back—not on this specific area but the original problem—to December 10, 1981. I have a history here that I have looked at that really spans nearly twenty years.

There are two specific problems involved: The properties that are to the westerly side, nearer the Eastern Avenue area, which are Block 13D, Parcels 9, 10, 11, 12, 13, 14, and 15, some of these have persons who have built homes that actually go across the border onto adjoining land, which is Parcel 215REM7. As I understand it, that does not belong to Mr. Solomon but belongs to other people. Planning [Department] has said to Mr. Solomon on those, that the question of building within the lots and not on other people's land is something that needs to be cleared up. So, that is one problem area.

There are, however, other sets of lots—newer lots I guess—Parcels 16, 17, 18 and 19 with Planning approval granted subject to a road going in, but that road has not been done. From the map that I have here these are quite large lots. In fact, compared to these other ones, some of these are extremely small lots that some of the houses are on. Out of those, one of the lots, Parcel 16 is actually public open space but 17, 18 and 19 seem to be lots for sale or have been sold. On those three lots the planning approval was subject to the road. So Mr. Solomon would need to build a road to those.

But that is not the problem with the other lots that people have built on. As I said earlier, where it appears that whoever marked out those lots or if they were marked out, which would not have been government, they seem to have gone over on other people's land with five of the buildings.

Now, the first part of this states that **“the Government through all the necessary agencies find the ways and means to resolve the situations that these lands-owners be allowed to take title to their properties.”** The legislature knows, that while government can assist, land is transferred by the owner. In this case, Mr. Solomon would have to have parcel numbers . . . at least, I see numbers on this map. He would have to transfer the property to them and that is more a civil matter.

However, this problem of trespassing needs to be gotten over so I believe that with government's assistance and the acceptance of this motion we are acting within the law because there are some things we cannot do and this is really a civil matter.

In relation to the stamp duty, this is once again a matter that government has sympathy on. I believe we would have to get some details of who remains and how they should be done. I would like to also say in following the sympathy that the Third Elected Member for George Town stated in relation to persons in the adjoining areas,

‘Naturally, whatever assistance government can give we will do that’.

As was said earlier it is near to the end of the life of life of this legislature and this matter is undoubtedly complex but it seems to me like what has to be done is that the private civil side of this has to be cleared away somehow and assistance given to these home owners to get their property.

So, I commend the mover and the seconder on the motion. Government accepts the motion within the law. Government will assist in every way that we can. I personally know of the problems there—this goes back to December 10, 1981. It has just been a real long struggle with this, but some did prevail and some of the people, Mr. Ralph Singh, for example, were able to get transfer of title to his property as recent as June 1998.

So, I guess I really cannot say anymore on that but government will help and government is sympathetic, and I personally will assist in anyway I can, sir.

Thank you.

**The Speaker:** Does any other member wish to speak?

No other Member wishes to speak. Does the mover wish to exercise his right of reply?

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I think that the reply will be best done by dealing with it in two areas.

First of all, just to reply to the government's position. I fully appreciate what has been said with regards to, by law what can happen and who has to be involved to trigger these things happening and the transfer of the ownership will have to be dealt with by the individuals and the developer. I quite appreciate that situation.

All I was saying earlier was that perhaps if it is left alone for the owners and the other parties involved to deal with it on their own it might continue to drag on. I was simply asking the government to use the resources it has available in the various ministries and departments that will have to get involved to simply spearhead and co-ordinate the efforts to allow the situation to be rectified.

When the Minister of Agriculture replied in dealing with the Lands and Survey about willing to assist—I appreciate all of that. What I am asking the government to do in the motion is simply to co-ordinate the efforts understanding that other parties have to be involved to bring the situation to an end result. So, I am quite appreciative of the position the government has to take with regards to the legal ramifications. I just wish for them to utilise their resources to co-ordinate the efforts. I think that is a reasonable request.

I also appreciate the support for the motion from those who have spoken. The Fourth Elected Member for George Town questioned why the seconder for the motion is not one of the members from the district of George Town. Certainly, on a personal level there was no slight meant to the Fourth Elected Member for George Town. I had discussed the matter previously, as the Third Elected Member for Bodden Town has said, with him

and we talked about bringing the motion. He extended the thoughts, as he said, with regard to looking at other properties and perhaps for government being able to acquire other properties somewhere in that area, if possible, with a view to other individuals being able to purchase land at a reasonable price.

The physical thing that happened was that the deadline was on Tuesday and I had seen the Third Elected Member for Bodden Town on that Tuesday afternoon, and he asked me about the motion. I had not had a chance to word it as yet because everyone was doing a million things in the fray. When the time came to get the motion typed out, the only two staff members who could have typed it for me were in the parking lot on their way to the Hyatt Regency Hotel to prepare for a select committee that would be meeting there on the following morning to discuss immigration matters. Having no one to type it at that time, and it being the last evening for the motion, as a result I had to submit it handwritten. The seconder, the Third Elected Member for Bodden Town, was easily available and I asked him to do it just to make sure the motion got in.

Now, any other thought that might extend as to why it happened how it happened . . . people will have to think what they want to think. Impressions can be given inadvertently or they can be given purposely. Regardless of what it is, I think, the intent of the motion is crystal clear. Now, any other issues that may wish to be clouded by what the motion intends to be, I am, at this point in time not going to bother to get into. Perhaps, they will come up at a later date and maybe we will have to deal with it. I don't know.

I want to thank the government for accepting the motion. I would like to thank the seconder. I would also like to thank the other members who aired their support for the motion and I hope that we can simply see the situation resolved.

**The Speaker:** I shall now put the question on Private Member's Motion No. 25/00. The resolved section reads as follows: "**BE IT THEREFORE RESOLVED THAT the Government, through all its necessary agencies find the ways and means to resolve the situations that these lands-owners be allowed to take title of their properties;**

**"AND BE IT FURTHER RESOLVED THAT the consideration for stamp duty involved in these transactions be what the properties were valued at the time of final payment of each piece of property."**

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

**AYES.**

**The Speaker:** The Ayes have it. The Motion is passed.

**AGREED: PRIVATE MEMBER'S MOTION NO. 25/00 PASSED.**

**The Speaker:** Moving on to Private Member's Motion No. 23/00 entitled Gross Domestic Product, to be moved by the First Elected Member for West Bay.

## **PRIVATE MEMBER'S MOTION NO. 23/00**

### **GROSS DOMESTIC PRODUCT**

*Deferred*

**Mr. W. McKeeva Bush:** Mr. Speaker, I have spoken to the Honourable Financial Secretary and we have agreed that we both need to do more research on this matter and therefore we ask that you move this down to a further date.

**The Speaker:** Are you moving a motion that it be deferred to a later date?

**Mr. W. McKeeva Bush:** Yes, sir, another day.

**The Speaker:** A motion has been moved by the First Elected Member for West Bay. Do I have a seconder?  
The Elected Member for North Side.

**Mrs. Edna Moyle:** I beg to second the motion, sir.

**The Speaker:** A motion has been made and seconded that this Private Member's Motion No. 23/00 be deferred to a later date on the Order Paper.

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

**AYES.**

**The Speaker:** The Ayes have it. Private Member's Motion No. 23/00 is deferred to a later sitting.

**AGREED: PRIVATE MEMBER'S MOTION NO. 23/00 DEFERRED.**

**The Speaker:** Moving on to Private Member's Motion No. 21/00, Establishment of a Student Summer Employment Agency, to be moved by the Third Elected Member for Bodden Town.

The First Elected Member for George Town.

## **PRIVATE MEMBER'S MOTION NO. 21/00**

### **ESTABLISHMENT OF A STUDENT SUMMER EMPLOYMENT AGENCY**

*Deferred*

**Mr. D. Kurt Tibbetts:** Mr. Speaker, the Third Elected Member for Bodden Town had to go out for a short while. I am certain he did not anticipate the second motion being deferred. I am at your mercy—I am the seconder of the motion and I am quite willing to second it, but I am at your mercy at this point in time.

**The Speaker:** You have the right to move a motion to defer for a later sitting.

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** If the House will accommodate, I would therefore move that this motion be deferred to a later sitting because of the absence of the mover.

**The Speaker:** Do we have a seconder?  
The Elected Member for North Side.

**Mrs. Edna Moyle:** I beg to second the motion.

**The Speaker:** The motion has been duly made and seconded that we defer this Private Member's Motion No. 21/00 to a later sitting. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. Private Member's Motion No. 21/00 has accordingly been deferred to a later date.

**AGREED: PRIVATE MEMBER'S MOTION NO. 21/00 DEFERRED.**

**The Speaker:** Moving on to Private Member's Motion No. 19/00, Purchase of Property to be moved by the First Elected Member for West Bay.

## **PRIVATE MEMBER'S MOTION NO. 19/00**

### **PURCHASE OF PROPERTY**

**Mr. W. McKeeva Bush:** Mr. Speaker, this motion should be very brief. I beg to move Private Member's Motion No. 19/00 standing in my name, which reads as follows:

**“BE IT RESOLVED THAT Government consider purchasing the old Tony Bonifide property in the North Sound, West Bay, for public use.**

**“AND BE IT FURTHER RESOLVED THAT negotiations be done directly with the requisite property owners so that commissions can be eliminated.”**

**The Speaker:** The Elected Member for North Side, a seconder.

**Mrs. Edna Moyle:** I second the motion.

**The Speaker:** Private Member's Motion No. 19/00 has been duly moved and seconded. Does the mover wish to speak to it?

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** This is a piece of property that is being used by the public. Government really does not have a lot of property in the North Sound, West Bay. The use could enhance the community of boat launching ramp, a boat jetty. It could be utilised for small cabanas.

It is a sizeable piece of property. Least anyone should ask, it is south of what is really Morgan's Harbour. I have been approached by various persons in the community to seek government's consideration in the purchase of this land.

I think it will be good for the community. Thank you.

**The Speaker:** The floor is open to debate. Does any other member wish to speak?

The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** As this is a purchase of property matter, I have been assigned by government to consider the matter and to say that we are happy to accept the motion on that basis. Whatever possible, after investigating this, the necessary things will be done to negotiate as has been said here and the matter will be taken from there.

**The Speaker:** The floor is open to debate. Does any other Member wish to speak?

If no other Member wishes to speak would the mover wish to exercise his right of reply?

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Thank you very much. I certainly would like to thank the Minister responsible for Lands.

The Minister of Tourism said that I should say *the government* because he is going to see that this property is bought. So, on that basis, Mr. Speaker, I am glad to include all of the government.

This property is known as the old *'Tony Bonifide'* property. It used to house the old houseboat restaurant called *Tony's Hideaway*. It is adjacent to Cable & Wireless property (if they have not sold that property as yet). They had a compound there.

It is a vacant lot that is being used by people just for pastime, leisure. As I said, I think it would be good for the community to have this piece of the property. In the North Sound, on the waterfront there any vacant lot is quickly bought up and I think that since government already has an interest and need there, I think, in this coming Finance Committee meeting it would be good to have that consideration.

So, I thank the Minister of Agriculture.

**The Speaker:** I shall now put the question on Private Member's Motion No. 19/00, whose resolve reads as follows: **“BE IT RESOLVED THAT Government consider purchasing the old Tony Bonifide property in the North Sound, West Bay, for public use.**

**“AND BE IT FURTHER RESOLVED THAT negotiations be done directly with the requisite property owners so that commissions can be eliminated.”**

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

**AYES.**

**The Speaker:** The Ayes have it. Private Member's Motion No. 19/00 has been passed.

**AGREED: PRIVATE MEMBER'S MOTION NO. 19/00 PASSED.**

**The Speaker:** Moving on to Private Member's Motion No. 18/00, Debate on issues in the Draft 1992 Constitution, to be moved by the Fourth Elected Member for George Town.

**Hon. Truman M. Boddin:** Mr. Speaker, I realise it is not the normal time that we take a break, but things have moved so rapidly this morning that I am wondering if we could take the lunch hour earlier, if members are happy with that.

**The Speaker:** Could we then come back at 1.15 PM?  
At this time we shall suspend proceedings until 1.15 PM for lunch.

**PROCEEDINGS SUSPENDED AT 12.05 PM**

**PROCEEDINGS RESUMED AT 1.49 PM**

**The Speaker:** Proceedings are resumed. Private Member's Motion No. 18/00, Debate on Issues in the Draft 1992 Constitution.

The Fourth Elected Member for George Town.

**PRIVATE MEMBER'S MOTION NO. 18/00**

**DEBATE ON ISSUES IN THE DRAFT 1992 CONSTITUTION**

**Dr. Frank McField:** "WHEREAS a White Paper presented to the United Kingdom Parliament by the Secretary of State for Foreign and Commonwealth Affairs in March of 1999 states that the principles which should underline modern constitutions are clear;

"AND WHEREAS there must be a balance of obligations and expectations and both should be clearly and explicitly set out;

"AND WHEREAS in this White Paper democracy, human rights and the rule of law are relevant concerns of the United Kingdom;

"AND WHEREAS the July 1992 draft Constitution for the Cayman Islands clearly and explicitly sets out the rights and fundamental freedom of individuals, as well as the obligations to the State;

"BE IT NOW THEREFORE RESOLVED that this Honourable Legislative Assembly debates issues in the draft 1992 Constitution for the Cayman Islands, with the view of its coming into effect in 2001 or thereafter, be made an election issue."

**The Speaker:** Secunder.

**Mr. John D. Jefferson, Jr.:** I beg to second the motion.

**The Speaker:** Private Member's Motion No. 18/00 has been duly moved and seconded. Does the mover wish to speak on it?

The Fourth Elected Member for George Town.

**Dr. Frank McField:** Let me begin by first acknowledging that I am aware of the way in which constitutional issues have been regarded inside and outside of this Legislative Assembly. Let me also state that the way in which we have discussed constitutional issues tended sometimes to resemble the debate about heresy. In other words, one side seemed to be implying that it was more loyal than another side and that those that were most loyal were those that were willing to have the status quo continue.

Since the Caymanian public has recently learned of the British White Paper and of the significance in which issues of the human rights play in the present policies of the United Kingdom government, Caymanian people have had to rethink the question of their constitution and the question of their sovereignty.

So, it is not purely for intellectual stimulation that I have brought this motion since many of my constituents are asking whether or not I feel at this time that our constitution gives elected members the type of sovereignty to make decisions on their behalf—what they feel they are entitled to as human beings and as individuals. A part of the question, therefore, is whether or not the 1972 constitutional instrument which governs the political conduct in the Cayman Islands is now a document which allows for a full expression of Caymanian diversity of opinions and interests.

So, if we approach the issue of a constitution (which means if we are going to start to work) we need to have a blue-print. Let us say that the Constitution is our *blue-print* and that we are carpenters whose exercise at the end of the day is to really build a building. It is to build democratic and human relations—that is what we are building.

So, we use the Constitution basically as a guide to what we as legislators, as administrators, as people, have to do collectively to achieve the desired outcome which is an enrichment of our human relationships.

Mr. Speaker, the mere fact that the United Kingdom considers that there are certain obligations and expectations that should be explicit in any modern constitutions, suggests that they would be encouraging us to somehow rethink the question of the absence of a Bill of Rights in a constitutional instrument or a constitution.

So, part of the question that I intend to pose to this Legislative Assembly and the people is not so much whether or not we have a Chief Minister. It is not so much whether or not we have a Leader of the Opposition. It is not so much whether or not we actually need a party system in order to begin with those structural reforms within the political arena. It is more for us to try to develop a new social contract, a new covenant, a new way of understanding what the obligations of the citizens will be and what the responsibilities of the state will be to those citizens with regard to the exercise by the state of

the power which the people invest in the state at election time.

I believe as we approach November 8, 2000 that this is as convenient a time as ever to ask the question, *What will be the responsibilities of those persons elected, to those persons that elect them?* The responsibility cannot just exist in a vacuum, it has to be fostered, protected and nourished within the constitutional contexts, within the legal framework that we call government.

So, for this reason, as we see all the candidates coming out in West Bay . . . And we make remarks about, Why are so many people running in the elections anyway? And we do not try to find any kind of sophisticated sociological and political explanation for this phenomena.

We try to conclude that somehow it has to be basically personal motivation for personal gratification, when in fact it might be a signal that the old political linkages in that particular community as well as other communities are beginning to fall away—thereby removing the entire fabric of solidarity and unity which existed in the society at the period in which people were still fishermen, turtlers and then later on as seamen, and perhaps later on as they embarked upon their participation in a much more modern Cayman Islands.

If the State does not send out its roots to the point where it holds the community together through a political process that runs from the top to the bottom and from the bottom to the top, everything will fall apart. So, there has been stagnation with regards the maturity of the political process in the Cayman Islands as a result of certain people not wanting to see any kind of sophistication with regards constitutional matters. We have begun most of all to see that defusion, the confusion on the bottom but those of us who vote in this Legislative Assembly, those of us who work in this Legislative Assembly know that the confusion and the defusion is on this level as well.

As we embark towards a general election it is very difficult for the people in here to tell the country whether or not there will be teams, parties, common manifestos or positions—why? Because the political process from the top to the bottom lacks cohesiveness, lacks the mechanism to achieve collective agreements. The constitutional problem, therefore, is not just a problem of legalities. The constitutional problem is also a problem which has to do with community unity. The lack of unity in the community is partly the result of the absence of any kind of concrete political directions provided by the leaders to the people.

So, if we have 22 - 23 candidates in West Bay and we have some of them forming teams in West Bay, and we don't see those teams in West Bay align themselves with teams in George Town or Bodden Town, we know that is still part of the defusion and confusion.

What we have is the parochial politics—the level now where everybody is working to get elected in their district and not really working to get elected nationally. When they come out, however, they are going to have to do things on a national level because no four members of any one district could come into the parliament where

we have fifteen members and three official members and make the types of decisions that would be legally binding on the country.

All the decisions made in the parliament are legally binding on all the individuals whether or not they come from West Bay or Cayman Brac. We are not run by local parliaments but by a national parliament. Therefore, the defusion and the confusion when we see no national teams existing, no teaming among the different districts is also the same kind of confusion we see when [for example] we see so many people running in the district of West Bay. So, those kids that are running in West Bay have not really started the confusion. The confusion has been started by those persons who have lacked the courage and the political conviction to assist this country and mature politically by seeing, in fact, that we have the political group structure in this country that people could be promised at election time. And that we will have a group in here with the majority to carry out that promise. And we will have a minority in here to challenge that group that was in the majority when it felt that it was going out of hand and not keeping the promises which were necessary.

So, the question of a constitution is also a question of the way in which we do politics, because if the constitution were not connected somehow to political behaviour and political practice it would have no meaning. So, when the 1992 [Draft] Constitution starts, it starts with the question of what the rights of the individual citizen should be.

Now, I would like to read one of the rights listed in the 1992 Draft Constitution as rights that the individual should be entitled to. It says here in section 11(1), **“Protection of freedom of assembly and association.**

**“Except with his consent, no person shall be hindered in the enjoyment of his freedom of peaceful assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to political parties or to form or belong to trade unions or other associations for the protection of his interests.”**

It is important for people to understand that they have the fundamental right to form organisations and to be associated with persons for the protection of their rights, their interests. This is a basic premise that we have about society: people come together in order to protect and to enhance their interests. Somehow we then deduce that organisations can enhance and protect people's interests more so than the individuals themselves. That is one reason why we live together in a state, or in a community, rather than by ourselves. That is one reason why we have teams—football teams, basketball teams and baseball teams—to teach us the importance of team-work. That is why on the job in the work place we work as a team. We hear the word, *team, team, team*—people working together. Yet, the basic philosophy in this country has been that there should really be no political teams or political parties as such.

I know that there are certain people who believe that a constitution like the 1992 Draft Constitution could only work in this country because of the fact that you would have a chief minister if, in fact, we had political parties. But how long would it take to form a political party? You can just go and register a political party and there you have it in structure.

Now, from the point of view of whether or not that is a 'mass' party or a 'leap' party of a few chosen individuals is a question that will have to be answered by those political activists that are involved in that exercise themselves because some might, like myself, like to get the grassroots involved as much as possible. And though we might have the grassroots involved, we might not have a formal organisation, but we do have some kind of informal way of working together because of the interest we have identified as having in common. Because we have identified having an interest in common we decide to pursue a common political objective. It is as easy as that.

A political party system is not something that is very far-fetched because we find that people are grouping. We find, for instance, that the Chamber of Commerce which is basically a union of employers in this country work together in order to best achieve their interests and to preserve their interests in the society. Therefore, the example is already set by employers for working people: an example to organise based around their political interests.

I am saying this to say that a political party system is not something that we will have to import from someplace. It is not something that is totally foreign. It is something that will spontaneously evolve out of the political dynamics of our relationships.

Now, if we had done something about this Constitution in 1992, if we had accepted it then when we had a National Team Government that really campaigned basically at the end of the day with a national agenda—an agenda to run the country for a period of four years—you cannot get something that is more of a political party than that. The difference was that they were not connected structurally with the grassroots, with the masses. The difference was that they did not have any kind of structured formal organisation set up, but they were organised well enough to get together on several occasions in order to formulate policies and strategies in common. So, if you have 14 - 15 people working together for common, political objectives, they are organised already.

Denying the fact that we have had political organisations in this country as far back as 1976, is to ignore the fact that we can have relationships that are not sanctioned from that point. Just like how we have cases of common-law marriages—men and women living together as husbands and wives without being legally married, developing an affinity with one another and doing things together. All that is not there is the stamp of approval. I would say it is the same thing we have observed with the National Team over the last eight years.

I am giving that as an example, because for people to argue the fact that you could not have this kind of constitution coming into effect because we don't have a political party system, and that *to develop a political party system would destroy the country*, is incorrect.

Mr. Speaker, I see the destruction coming not at the level of organisation but at the level of disorganisation. Not at the level where information can be disseminated to the people, but at the level where the information is not being disseminated to the people. A political party system—some kind of structural relationship, continuous relationship with the grassroots informing them of why we are doing things and how we are doing things and in whose interest we are doing things, would help to preserve the relationship of trust and loyalty between the elected and the electors. So, we see why we are now being regarded as these politicians that no one can see.

Now, when you get elected as a minister of government . . . and I am not going to make any excuse for the present government, but once they go into that Glass House, what contact do they have again with their people? These are supposed to be the ministers! So you see why people come to distrust governments: simply because they are alienated further from government as there is nothing that holds them to that government structurally. There is no process to do that.

Who is it to come to explain to the people with regards to the White Paper? Whose responsibility is it? Is it the responsibility of the entire Legislative Assembly, the government or which member of government, the Governor? Who? All of these things become clear not as a result of a constitution but as a result of a political process that is enhanced by a modern constitution which means we would have a leader of the government who would be the Chief Minister not the Leader of Government Business with a kind of here, here, nowhere title. I still don't know, Mr. Speaker, what is meant by *Leader of Government Business*. I don't know what business he leads. Sometimes I hear he is going to lead the business abroad; sometimes I hear that he can only lead the business in the House; sometimes I hear he really leads business at the Executive Council level. I don't know how they have refined and defined that particular concept for their practical use but looking at it only in print, when I see the words, *Leader of Government Business*, I see *Leader* and it is *Leader* that is most important here—Leader of Government. If he is the Leader of the Government then he is to me a person who is acting in the capacity of a Chief Minister.

So, even in cases where people do not want to accept maturity, it comes upon them. Once we are born into this world we cannot prevent getting old. It is the same with the political process. It is the same with the development process: once we start developing we will mature whether or not we want to.

The question is, if we accept those natural laws that we will mature regardless of whether or not we want to, Why is it that we pretend wearing these schoolboy's clothes when we are bursting from the seams? We have already grown beyond that particular school. We look

odd in the uniforms that we wear. We look odd because we are politically more mature than we are telling the people.

So, when it comes to the point of saying that there is a difficulty in bringing this constitution into effect, the question is: Members need to specifically identify what they would consider to be problems that they would not be in a position to resolve. They have to say what kind of difficulties would be created in the society. A lot of people are still trying to say that political parties and other kinds of associations are foreign and coming from other ways.

Sometimes people have come to me saying, *'How much power do you all have as Members of the Legislative Assembly anyway?'* I explain to them that I was elected by the George Town voters and when I came here I had to vote for a government which is responsible for the day-to-day running of the country. I am not responsible for the day-to-day running of the country. I am not responsible for policy. I am solely responsible for legislation. I get to talk on motions, comment on bills, I have the privilege of voting yes or no to them but I do not have the power as a legislator to do anything with regards to what it is that I might have voted for. That has to be implemented by the ministers and administrators of government.

So, people need to understand that there is a basic difference between the Legislative structure and the executive structure; the Governor as another structure of some type of balance there again, and the court system.

Now, if we had politically conscious and active politicians they would be teaching the people to understand the political process thereby making sure that the people do not become so frustrated with the process as a result of lack of understanding that they would want to distrust the process and distrust those persons involved in that process. My approach has always been to try to give the people as much information and as much understanding as possible. People will be clearer regarding the issues of who is responsible for what; I will know what obligations I have to my constituents and what obligations the government has to me and to those constituents. I think we need to look at this process of allowing people to somehow mature with us with regards to our understanding and therefore allow them to participate more.

If you look at the American race for president that has been going on for as far as I can remember, maybe a year and a half already. It seems like [Al] Gore and [George] Bush have been contesting one another and exposing, discussing and debating issues that these issues get so debated and exposed long before the President of the United States is elected. Everyone at the end of the process has to be conscious, if they want to, of the issues. They have had a chance to totally examine the issues. They spend a lot of money in doing so. It is not their personal money. It is money that is raised from supporters because they have a political party system that allows them the possibility to transmit that information to the general public; to process the reaction of the general public to that information and to refine that in-

formation so that by the time they come into office they have it down as good as it can probably be.

We don't have that process here. We have the process because people do not have to make political stances, public stance with one another where they make deals with each person, where they say one thing to this house and they say another thing to that house. All it is doing at the end of the day is breeding more and more confusion. Then at the end of the day to say we don't need some kind of constitutional maturity?

Now, a lot of times people thought that constitutional advancement was the same as breaking the constitutional link with Great Britain. It is important again that when we bring this question of the Constitution up, that we understand that the constitutional link with Britain, and internal self-government in the exercise of autonomy within the Cayman Islands, are not two things that are inconsistent. As a matter of fact, constitutional advancement and maturity are consistent with the constitutional links with Britain because Britain is saying, in fact, that she wants us to exercise internal self-government to the fullest extent where we have full autonomy and we have the right to self-determination and so forth and so on, as they have decided to tell us in the White Paper.

Now, Mr. Speaker, a lot of us have looked and complained about the White Paper. I am not going into the topic of the White Paper but as it is talking about the constitutional issue and the human rights issue I need to just reflect on it. We are more concerned about who should not have a right rather than who should have rights. I mean, the right of freedom of association and the right of freedom to form trade unions and political parties. I did not see anything in the White Paper about the freedom to form political parties and trade unions. They obviously did not think that was important; neither did those people who were briefing them think so. But I know some of the Labour MPs that came here thought it was important enough to remark to us that they were then seeing that there was some kind of absence about those kinds of considerations.

Now, the important thing about trade unions is that trade unions are really organisations of workers. It means that the grassroots are being organised. So, if we are going to talk about political organisations we cannot on one hand think that somehow we are going to be able to speak against trade unionism, or speak and not support trade unionism, and at the same time talk about supporting political parties. There are a lot of people who prefer politics as it is, simply because it means that they have no structural responsibilities to the grassroots people and that they can do what they want at the time in which they want and they are not accountable to anyone.

So, I think that an advanced constitution would make politicians more accountable to the people and this is what the people want. The people want politicians to talk to them about what they are doing. After all, Mr. Speaker, that is our job. Our job is to inform the people; to discuss with the people; and to help the people to form a consensus, to form an opinion with regard to matters.

Why is it to wait until the gossip and the innuendoes have taken over before we go out to make statements?

I have had my *Public Eye* programme for over three years. I printed the *New Vision* newsletter in order to inform and assist people in making up their minds about certain issues. That in itself is political organisation. I call it the New Vision Movement because it is not a political party, but it could be a political party because it is a movement to include people in influencing me, and I influencing them, and coming out with a common collective political agenda.

What is the point of my coming out with a political agenda and the other guys in George Town coming out with other political agendas all promising the people different things and a lot of times they even contradict? Why should the people believe that anymore when they know that every time there are votes in here, they hear, "the Ayes have it" or "the Noes have it." The people are wise to that. They are going to vote against that type of political behaviour. We need political behaviour that is collective behaviour and therefore, some kind of formal organisation at some point in the near future to give us that kind of political cohesiveness.

If we have the political cohesiveness there is no reason why a Chief Minister in this country would be threatening to anyone, because at least people would have the possibility to remove that person if he does not carry out what he has promised. The person could not say, *'Well boy, it was not me that promised it to you. It was the other one that promised it to you or the other one went against it and that is why I could not do it'*. There would be no excuse. He has to say once he is given the power to do something, if he has not done it, he has not done it because he doesn't want to do it—there must be responsibility and accountability.

We cannot continue in a country that is as complicated as this when we have international obligations to look after; when we have international conferences and negotiations to go to. Who do we send on international negotiations? Who do we send? Who is the leader? How do we go and present ourselves internationally to an international community that could not accept this kind of political immaturity where everyone is the leader or no one is the leader or *'it's not me, it's him?'* There must be a formal way. There must be a protocol. There must be a person to approach.

At least, in the Draft Constitution of 1992 we are given the fundamentals there. I am not a supporter of this Draft Constitution in the sense because I don't think that this is advanced enough in certain areas. I really do believe there should be no one that can exercise power on behalf of the people in this Legislative Assembly if they are not elected. This is not all out there, this is a very conservative document that we are talking about here. There is nothing incredible about this. The basic power configuration remains the same with this Constitution. This Constitution does not change the basic structural arrangement of power. So, what's the problem? Is it because you are going to have a Chief Minister and a Leader of the Opposition? So, the people could say,

*'Hey, look! when the time comes for the programmes the Leader of the Opposition has been fighting for to become the majority programmes we'll give him the majority of people and we'll demote the Chief Minister at that time and give him the minority programmes. We'll try something. We'll change one programme for the other programme. If this does not work we'll change it for something else'*.

So, it gives you a possibility to clearly, at least, define one or two ways of doing things and if one does not work, you change it for the other way—not have fifteen different directions trying to work with at the same time. It is confusing to the people. It is confusing to the politicians. It is confusing.

Now as I said, I came in here and I worked with the Constitution that we have, and I feel that to be truthful to people I can now talk about my experience with this Constitution. I can say what frustrates me about the 1972 constitutional instrument. What frustrates me is that when I ask questions in here that I believe I should get answers for, it goes around in circles. If you are not kind enough, Mr. Speaker, to give us enough time to try to be like good skilful lawyers and pin the defendants down, then it's a waste. I feel that ministerial government means ministerial responsibility and that means it is on the part of the ministers to do whatever research and whatever is necessary to give correct and accurate answers that people can understand. And not to try to play semantics and not to try to play lawyers in delivering those types of things. That is one of the things that have frustrated me.

The other thing that I find with the way this works is this whole concept of the collective responsibility. I don't know what happens when the ministers come in here and they say they are voting collectively. I know that many times they have not even discussed the issue in Executive Council. So where is the level of collective responsibility? Is it the level of discussion in adopting a formal position in Executive Council? Or does it mean just their individual, political relationships in here in the Legislative Assembly causing them to have this collective responsibility?

I like to sometimes make a difference between collective responsibility and political relationship, or relationship of one of them politically to the other one because they are saying National Team. There is a difference there. They might be supporting their National Team policies and objectives rather than really acting from the point of view of collective responsibility or vice versa. If you have an independent person in Executive Council that really was not a National Team person, to what extent is that person responsible collectively to them with regards to issues that were not discussed in the presence of the Governor in Executive Council. These are all issues that we need to talk about.

Now, the most important thing, Mr. Speaker: We elect five members out there to be our government and then there are three other members of the Executive Council who sit here with them. So, in total we have eight members of Executive Council who actually sit in the



legislative branch. So, the legislature has very little influence on the day-to-day running of the Executive. But the Executive can come back and control the legislative branch because they have nine people already out of 18 persons, so all they need is one person on their side. You see, that allows the government to push through bills and motions that are not necessarily the consensus of the democratic House, the elected House, therefore it is not a true representation of the people and we call that democracy. And, we are quite satisfied to go out and justify to the people that that is democracy and anyone who says it is not, is a heretic. And anyone who says that the Constitution should change in order to make decision-making more democratic is against the people's interests. This has happened.

So, I just want to make people aware of the fact that there are some persons who are willing to work under any conditions simply because they are working for their own personal benefits. But when you are working for the people's benefits the conditions that you work for have to be the conditions that allow you to be able to accomplish the task which you believe the people have elected you to accomplish.

If you don't have the instruments to do your work, Mr. Speaker, you will not do your work properly. The carpenter expects good tools—sharp tools. The politician needs good tools if he is going to become a good statesman. The kind of environment that we have is not one that will produce anything more than marriages of convenience. We need some promises. Why is it that we don't allow people to get married in private and say their own vows to one another? That has to be public. Why? Why does it have to be witnessed? So, that when the man or woman goes away from his or her promise people say—'ha, ha, they have gone away from their promise'. Marriage is a public thing. It is a covenant that you have, not just with the man or the woman but it is a covenant that you have made with your community. Why should politics be any different? Why is it that we can make the promises in the boiler rooms and we don't have to put our promises on paper and put our names to them? And say, 'This is what I stand for with this person and the other person'. Collectively we should be able to achieve these particular aims.

So, I am going to open the debate. I am going to sit down and listen attentively to see if this level that I have brought this particular question to can be advanced. In summary, I am saying it is relevant to look at the issue of the Constitution again as we are presented with a White Paper that gives certain of our constituents the feeling that we do not exercise sufficient power internally in the Cayman Islands and because of the exercise of power by the home office people feel that maybe this would be a good time for us to begin to advance in such a way that, at least, we maximise the use of our internal autonomy.

It is also important because of the question of human rights and for a lot of us to realise that at times many of our human rights have been violated. The right to freely associate with individuals with common interests

as in the case of the trade unions, as in the case of government employees being able to actually agitate and express their dissatisfaction with their working conditions, and organise and move themselves in such ways as to improve the negotiation possibilities.

All of these rights have been over at least the past twenty-odd years, adversely affected by the fact that even when we made a Labour law we made a law that did not adapt all of the conditions of common law. In other words, the Labour Law even sells us short with regards to our rights as workers. We can improve all of these things by making people more conscious, not just of the State's responsibilities, but also of their responsibilities to the State.

Thank you.

**The Speaker:** The floor is open to debate. Does any other Honourable Member wish to speak?

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker.

The sociologist, Selwyn Douglas Ryan has most recently published a book entitled *Winner Take All*—the paradox of the Westminster system in the British Caribbean. In that text, Selwyn Douglas Ryan proceeds to outline the weaknesses in what he deems as a wholesale adaptation of the Westminster system in the British Caribbean, which gives no regard and takes no account of the extenuating circumstances and the peculiarities of the region. Indeed the author laments the fact of this whole business of *first past the post system of representation* and suggests several models which may be more applicable to these kinds of regions.

I say that to say, Mr. Speaker, that for many years now ever since I became a political animal I have always chose not to run with the herd and to espouse the fact that I am a party man—I have always been. I recall the sixties when the late Mr. Ormond Panton formed the National Democratic Party and as a youngster I was enamoured by that whole organisation and all of the surrounding and concomitant excitement. And then having gone to school in Jamaica, two years out of their independence, I was further caught up in this business of organised party politics. I have caught my 'share of stick' in this parliament for espousing that position. Indeed, the Leader of Government Business and the Minister of Education is guilty—the *Hansards* will show—of using that against me, saying that I was for a Chief Minister.

Mr. Speaker, I am happy that a person even as eminent as the Fourth Elected Member for George Town has seen the necessity to take this route, because four years ago that member did not share the position that he shares now. I will go on to show why he did not share it. I vividly recall the day—and I am going to refresh the memories of honourable members—when I got up and made a certain declaration. There was only one gentleman in the Chamber who nobly rose to my defence, that is the present Third Elected Member for George Town.

I am happy to have my position now complimented by men of minds as eminent as the Fourth Elected Member

for George Town, and welcome him to the ranks of those of us who espouse the party system, and who realise that it is the only sensible way forward. It is unfortunate—and I have to lament this again—that my colleagues who worked so hard to build up the organisation which we call Team Cayman lacked the will to see it through to its maturity, because it would have reached some kind of maturity at this stage and it would have at this time enabled the people to make a clear-cut decision. So, if this is indicative of a change of mind and a change of heart it is welcomed because that is the way forward; that is the way that we should go.

Mr. Speaker, you also have to understand that because you have a party system that does not by any means indicate that anyone is espousing independence—far from that. History has shown that this system that we have been operating under is no longer good enough. I believe Britain has sent us clear and equivocal messages and it is up to us, certainly, they have indicated that they will set the parameters within which we choose to operate and I believe we should seize the opportunity.

What has happened in the past? Many of our people believed that we were safe because the ultimate responsibility lay with the Governor and he would ensure that things did not go awry. While it is true that it is applicable to some extent, the fact is that the Governor has nothing to do with the day-to-day operations of the state of affairs of the country. The day-to-day operations are handled by the Executive Council. I have said as recently as last night at a meeting I held in one section of my constituency that it is an anachronism to have five ministers of equal stature with none bearing more rank than the others.

Mr. Speaker, when the system was first evolved in Britain it was a system of *primus inter pares*, as they say in Latin, there was a first among the ministers. There was one minister who was responsible and had the authority to discipline, chastise, and dismiss any other minister. It is in this day and age unheard of to expect that a system can work under any other circumstance but that. It is true that it is the responsibility of the people's representatives. It has been for some time, and no less a person than Edmund Burke laid this dictate down many years ago. It is the responsibility of the people's representatives to lead them in the direction that they think they should go. Democracy does not work that way. We cannot expect 10,000 people to lead. Those 10,000 people choose fifteen leaders, and of those fifteen at least eight should form the majority and by inference evolve the direction in which the country should go. And that is the stage we are at now.

Many Caymanians realise that this is the critical stage in our development, perhaps, the most critical stage since the decision was taken by our legislators to break with Jamaica in 1959 when the Federation broke up.

Britain, in the *White Paper*, has given us, among the other dependent territories, an opportunity to evolve and craft for ourselves a system, with their blessing of

course, that will help us to more clearly embark on a direction that we should go. But in so doing, we have to come to certain realities. One of those realities is—and I have said this before—on the occasion, twice, that I move the Bill of Rights in this Honourable Legislative Assembly. There is no—and I emphasise—there is no modern constitution that has not been prefaced with a Bill of Rights offering the citizens certain guarantees.

I hope that honourable Members understand that when we are talking about evolving a modern instrument of government that by inference and concomitant with that modern instrument of government we also have to afford the people a Bill of Rights. A Bill of Rights protects the citizens from their government. A Bill of Rights is the ultimate guarantor of the citizen's rights. The Constitution outlines the parameters in which the country and its government functions. The Bill of Rights protects and offers guarantees to the citizens against the government.

So, it must be understood that one cannot and it is unacceptable that one would be accepted or acceded to without the other. Britain wants us to understand that too. Mr. Speaker, sometimes when I get tongue in cheek I say that it does not surprise me that we have this kind of politics in Cayman, a country which in the 21<sup>st</sup> century celebrates piracy. The politics do not surprise me because, Mr. Speaker, how in the world can someone be expected to make sense out of what is happening politically? Much of the blame, and I am not excluding myself, must lie with those honourable Members who are currently here because we have been so busy conducting business in the Legislative Assembly that we are forgetting that we have another role. That role and responsibility is to educate and elevate the minds of our constituents politically. Perhaps, it has been taken for granted for so long that generations of politicians have neglected to do so. We must teach them the directions in which we think they should embark, and that is a failure. In that, I am giving myself as much blame and perhaps more than I give all other members, since I am a political animal. But sometimes I try.

Mr. Speaker, it has come to this: There is such a lack of understanding that the role between the Backbenchers and the government clearly defined . . . And people tell me I have not delivered anything. But as a backbencher in the Westminster system that we practise in the Cayman Islands, what can I deliver? I try to educate my critics and my constituents and tell them my role in this system. You have to judge me on my voting record—how did I vote? How do I vote? What kind of Motions do I bring? Do I ask questions? That is the only thing backbenchers can deliver, Mr. Speaker. The only thing backbenchers can deliver is their position when it comes to government bills or private members' motions or the budget. We cannot deliver roads, major projects, schools and hospitals. That is the government, the ministers' preserve and prerogative because they are responsible for policy. We do not make the policy.

So, we need to impart those kinds of understandings and draw the various levels out so that our constituents and the wider public can be educated as to what to

realistically expect from us. And, in the absence of party politics, the role of the backbencher in our system in the Cayman Islands is even more complicated because, at least, if we were in a system where there were clearly defined party politics, certainly, the backbenchers could get something were they government backbenchers. But in our system where there is a free for all, it is difficult if not impossible to come away with anything. Heaven knows what would happen to some of us were we not good debaters.

So, I agree that there is a need to evolve a more sophisticated system. I don't know if it will come in this election because the danger in bringing this motion at this time is that this is election time. It would have been ideal—perhaps, it would have been too ideal if this had happened a year or better ago so that we would have had time were we serious to craft some kind of system so that by this time we would be ready to take off.

I also hold the view, and it is based on historical precedence, that you will never see party systems take off in the Cayman Islands until one is formed and fully functional. And then the other persons who are so inclined to survive will have of necessity to start a similar organisation of their own. But the challenge and the most difficult thing is getting the first one off the ground.

Mr. Speaker, our disposition now evolves out of the old colonial psychology of divide and rule. I go back to the experience that we had on Team Cayman—we had a wonderful opportunity to craft a dynamic organisation and before it got off the ground there was a rivalry, we had a split and we were dismembered. The very faction that we should have been united with to give it strength we jettisoned. So, perhaps I realise now in retrospect that it was doomed from the beginning because we could not iron out certain differences. So, we are plagued when we try to organise with petty rivalries and petty jealousies.

But, Mr. Speaker, that is not unique to the Cayman Islands because that happens everywhere in British colonial history. That is what happened in India with Gandhi and Mohammed Jinnah. That is what happened in Kenya and a lot of these other places—Ghana with Kwame Nkrumah and these other factions.

We have a glorious opportunity in the Cayman Islands to get things right if we apply ourselves. And now, even although it is the eleven and three-quarter hour, it is still not too late. But, first of all, the players have to agree among themselves to play by certain rules and to stop crying 'foul' when they think the other persons have the advantage. I don't believe that it necessarily follows that to go into a more sophisticated instrument of government and a party system will mean the demise of the country and the break-up of the country. Those countries that went that route went because of other factors—because they wanted to go that route. But the history books are full of countries that went this way and are doing well and continue to do well.

Mr. Speaker, I believe that this is an opportunity for us to strike a balance. The country is facing a myriad of intractable problems, many of which depend on a strong

and united executive. We cannot continue trying to unite disparate factions in the hope that we are going to craft the perfect union—it will not happen. History has proven that it will . . . there is no clear unified direction.

Vision 2008, a document which people say is the national policy document for the country, the strategic vision, if it is to followed and carried out successfully will need the united effort of a strong government. We cannot continue to operate on marriages of convenience because now we have five different governments. If we are going to get things like our expenditure and our liabilities under control it is of critical importance that we get a system which has a clearly defined head who is prepared to assume responsibility and to be accountable. And also, in being accountable to offer some transparency. Right now there is an absence of that kind. Even the people in the streets are frustrated and wanting to know, *Who can I turn to when I need something done? Where is that entity based? Who is that entity that I go to?*

Mr. Speaker, in most cases it is really not the Governor—the Governor does not come down to the Legislative Assembly to make policy. The Governor is not the person that the people elect to represent them so it is clearly not the Governor. Yet, sometimes they come to those persons they know as their representatives; the representatives cannot do anything because they may just be backbenchers.

So, the voices are crying out loudly for a change, for some sophistication, some semblance of order and progress in the system. I believe that the players here and many on the outside are of the level of maturity where they understand and appreciate, and in all respect I must say that I have not heard anyone crying for independence. I have not heard anyone saying that they are going independent but I have almost to a man heard many people say, *'We need some kind of system where we can identify who is responsible for leading the leaders and who is responsible for this'*.

Mr. Speaker, in that regard I believe that it is appropriate to debate such a motion. I believe that it is reasonable to look forward with pregnant anticipation that something will be done in this regard because the lack of this kind of system is one of the things that has filled me with cynicism for the politics that we practise. Mr. Speaker, it started first with scepticism and over the years that scepticism grew to the point now where it is difficult not to be cynical about some things. And, there is no time for one-upmanship and for political posturing. This is the time to be sincere, forthright, candid and truthful because it is not only our future that we are debating and talking about; it is the future of the country which is greater than each of us, individually, and equally as great as all of us, collectively.

So, I hope that I don't hear from detractors any nonsense about who wants independence and who wanted this and who is power-hungry and who is not power-hungry as has been the spurious and stupid arguments of years past. And all the one-upmanship about *they*

*have been the one person or the two persons stopping people from getting into power and into position.*

Mr. Speaker, certainly years will have shown that all honourable members want the same thing for the country: prosperity, peace, good order and a brotherhood. In spite of the fact that I might not necessarily like everyone who is campaigning and particularly those who are campaigning against me, I have to concede that I have yet to find anyone who is promising to tear the country apart and to tear the country down. I don't believe, Mr. Speaker, if they exist, they certainly have not made any political declarations up to now.

There is something to be commended about this, in that, I am happy that at least two persons were bold enough to bring this motion forward. Years ago to have done this would have been to quote political suicide. But I think that the country, the parliament and the people are right for such a discussion. And if my understanding and my interpretation of what the Baroness Scotland and the MPs who recently visited have said—and what I learnt most recently from speaking to at least one MP (whom those of us who went to the conference in the Bahamas met) is that Britain is certainly willing and encouraging us to think along these lines.

That being the case, I close with the appeal, 'Let us seize the opportunity and the time to demonstrate that we are mature and to realise that as representatives according to that famous Irish historian and parliamentarian, Edmund Burke, it is one of the roles and responsibilities of the people's representatives to lead and to educate them in the direction in which we the representatives think they should be led and to explain to them why we think they should be led there.

That, Mr. Speaker, is our challenge and I hope we can rise to that. As far as I am concerned, I have always, with no apologies, been a party man. From day one, I have always been an organisation man and I will die one. Thank you, sir.

**The Speaker:** The floor is open to debate. Does any other member wish to speak?

The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, I think it is in order for government to indicate whether or not it is accepting or rejecting the motion and give its reason why?

**The Speaker:** Do you not wish to speak further?

This is my final call. Does any member, government or backbench, wish to speak? No member wishes to speak? Does the mover wish to exercise his right of reply?

The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I assume that the reason why the government does not want to speak to this motion is because the government does not think that it is an important proposition. The reason why the government would feel it is not an important proposition is because the government is quite contented with things the

way they are. The more things fall apart the more they feel that they will remain entrenched in their positions. The fact that the people have elected them, not saying that they are government members just, but they are representatives of people. There is a representative from Cayman Brac, West Bay, Bodden Town, George Town and East End. Are they saying that the people of these districts that they represent do not hold any views on this matter? Mr. Speaker, it is a very serious issue.

Now, the government is probably going to vote against this motion. I don't see how they can vote for the motion if they have nothing to say on it. But if they are going to vote against the motion, it would be important for them to take this opportunity to explain the reasons for their vote to their constituents—even if they do not have enough respect for this House to explain it to the House, the mover and the seconder of this motion.

I have had this situation with the government before where they have basically tried to ignore motions that I brought here. They did it with [the removal of import duty [from imported foods] motion (Private Member's Motion 31/99) and they have done it with other motions—the Education Motion, the Crime and Recidivism Motion (Private Member's Motion 20/99) where they refused to get up and give their opinions. They are paid to have opinions. So what is the problem? They did not understand the level of the discussion?

Now, I tried to make the discussion on a level where I was not really getting into the politics, accusations or whatever—and then this reaction. What am I supposed to say? When it was the White Paper issue it went to select committee. When it was the Immigration issue it went to select committee—everything goes.

So, the question is, Why is it then that if I have raised the issue of the Constitution as a result of statements that were made by the Foreign and Commonwealth Office (FCO) in the White Paper, why is it that the government has no position on this? It is strange. It really shocks me! I have basically nothing more to say than that I am totally shocked by this reaction. Maybe the government will find an opportune time to explain to the public why they have no comments on this motion. Perhaps, they will do it on their campaign trail why they have no comments on this motion. But the House deserves a reaction from the government. This is part of what I was talking about when I spoke about the undemocratic nature of certain types of behaviour in this place.

When the government gets up to vote against this motion they are going to use the three official members to vote against my motion that was brought here because of my concern with the people's questioning about 'What are we going to do with regards to Britain telling us what to do?' 'Is it possible (they say) to have a constitution, to have a political structure that allows us to take more control over the decision-making process in our country?'

When they ask me about crime I say to them that the Police are in control; the Police relate to the Chief Secretary and to the Governor. The Prison is not under our control; the prison is under the control of the Chief Sec-

retary and the Governor. The Immigration is not under our control, it is under the control of the Chief Secretary and the Governor. Three areas which are of primary importance to these islands at the moment. And people want to know what I am doing as a representative in these areas when my hands are tied constitutionally.

We hear the Leader of Government Business, the Minister of Education saying that he cannot do this because of the Constitution. I have to agree with that because there are certain things that I cannot do because of the Constitution. That is why I am debating the Constitution because the people would like to see their elected members do more in certain areas. Yet, when the debate comes before this honourable House, no one from the government bench comments—and then they are going to use these three official members to vote down this motion. This is incredible! People must have opinions in the Legislative Assembly. This is what we are here for—to debate! It cannot be a one-sided debate. We have to exchange our opinions on these matters and not hide them to use as ‘knives’ that they sneak out in the election time. This is ridiculous!

Mr. Speaker, I believe that I can come back to the question—move away from the shock that has been dealt me by the government and say that it is necessary for us in this country to have decisions made, as was said by the Third Elected Member for Bodden Town, that reflect the feelings, aspirations and the wishes of the people. We have to publicly debate and exchange information otherwise our democracy does not work. Our democracy cannot work with that kind of ill-founded approach to the legislative process.

I thank the members who have listened and I hope that, at least, the people understand what their government is made of and that they do all they can to make sure that on November 8, 2000 they dump them!

**The Speaker:** I shall now put the question on Private Member's Motion No. 18/00, the resolve section which reads as follows: “**BE IT NOW THEREFORE RESOLVED that this Honourable Legislative Assembly debate issues in the Draft 1992 Constitution for the Cayman Islands, with the view of its coming into effect in 2001 or thereafter, be made an election issue.**”

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

**AYES.**

**The Speaker:** Apparently the noes have it. The Motion has failed.

**Hon. Truman M. Bodden:** May we have a division, please?

**The Speaker:** Certainly. Madam Clerk would you call a division, please?

**The Clerk:**

## DIVISION NO. 9/00

### AYES: 3

Mr. John Jefferson, Jr  
Dr. Frank McField  
\*Mr. Roy Bodden

### NOES: 8

Hon. Truman M. Bodden  
Hon. Thomas Jefferson  
Hon. John B. McLean  
Hon. Anthony S. Eden  
Hon. J. O'Connor-Connolly  
Mr. D. Kurt Tibbetts  
Miss Heather D. Bodden  
Mrs. Edna Moyle

### ABSTENTION: 4

Hon. Donovan W.F. Ebanks  
Hon. Samuel Bulgin  
Hon. George A. McCarthy  
Mr. Linford Pierson

### ABSENTEES: 2

Mr. W. McKeeva Bush  
Mr. D. Dalmain Ebanks

*\*Mr. Roy Bodden: Mr. Speaker, do you want my vote even though I wasn't here on the first vote, sir?*

*The Speaker: We will take it, go ahead.*

*[laughter]*

*Mr. Roy Bodden: You have another vote. I am voting aye.*

**The Clerk:** Three Ayes, eight Noes, four Abstentions and two Absentees.

**The Speaker:** The result of the division, Ayes—3, Noes—8, Abstentions—4, Absents—2. The Noes have it. The Motion has failed.

## PRIVATE MEMBER'S MOTION NO. 18/00 NEGATIVED BY MAJORITY.

**The Speaker:** Moving on to Private Members Motion No. 22/00, Revised Guidelines for the Award of Government Scholarships to be moved by the Third Elected Member for West Bay.

## PRIVATE MEMBER'S MOTION NO. 22/00

### REVISED GUIDELINES FOR THE AWARD OF GOVERNMENT SCHOLARSHIPS

**Mr. John D. Jefferson, Jr.:** I beg to move Private Member's Motion No. 22/00 entitled Revised Guidelines for the Award of Government Scholarships. It reads as follows:

“**WHEREAS the cost of a university education has become extremely expensive;**

“**AND WHEREAS as a result most students find it necessary to apply for an award of a Government Scholarship to fulfil their desire of obtaining a university or college degree overseas;**

**“AND WHEREAS, especially over the past eight years, Government has been extremely generous in making Government Scholarships available for students who have the desire and ability to further their education;**

**“AND WHEREAS the Education Council has recently changed the guidelines for qualifying for a Government Scholarship;**

**“AND WHEREAS it is felt that the guidelines are unreasonable, too restrictive and would only cater to the academic elite of our society and would deprive most applicants from qualifying for a Government Scholarship to pursue a university or college education overseas;**

**“AND WHEREAS there is a great demand for trained and qualified Caymanians in the work-place and, for this reason, it is felt there is an urgent need for the guidelines, to qualify for a Government Scholarship, to be revised;**

**“BE IT NOW THEREFORE RESOLVED THAT this honourable House now requests the Education Council to revise and establish scholarship guidelines that are fair, realistic and of benefit to the greatest number of our Caymanian students to provide for:**

- 1. The award of a local Government Scholarship for students wanting to attend either the International College of the Cayman Islands, the Community College or the Cayman Islands' Law School, taking into consideration the added expense incurred by students from Cayman Brac and Little Cayman attending these local institutions; and**
- 2. the award of an overseas Government Scholarship for those students desiring to attend a college or university overseas, eliminating the recent requirement that students attend a local institution for the first two years having achieved a minimum SAT score of 950; and that consideration also be given for financial assistance for persons wanting to attend either of the local institutions on a part-time basis; and**
- 3. the award of Scholarships for those persons who have no parental or other financial support.”**

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I beg to second the motion.

**The Speaker:** Private Member's Motion No. 22/00 has been duly moved and seconded. Does the mover wish to speak to it?

The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you. Mr. Speaker, like the motion mentions, between 1992 and 1999, government's policy with regard to the awards of scholarships was very generous, consistent, conscientious, and as far as I am concerned, awarded on an even keel regardless

of one's financial position, family name or other political connections.

I want to say as a representative that I have been extremely pleased to see over that period of time so many of our young Caymanians—when I say Caymanians it also includes those students from your constituency of Cayman Brac and Little Cayman—have had the opportunity of pursuing an education or advancing their education, in most cases, by deciding to go overseas. That is, to Canada, the United States the UK or even to the Caribbean where we have some fine academic institutions.

Mr. Speaker, I believe, personally, that the guidelines that were used in considering the granting of scholarships during that period of time were reasonable. For example, for a government scholarship overseas or otherwise, government insisted that the applicant had an SAT score of at least 950—which is reasonable—and a score that most students who applied for a government scholarship previously had no problem achieving. Some found it necessary to engage a tutor or some extra classes in order to ensure that they achieved that type of score on their SAT exam but most students have been able to qualify by achieving that required score.

Students attending the government school system where they are exposed to overseas examinations, the requirement basically was that he/she had to pass at least five examinations, having good scores (maybe with a 1 or 2 or even a 3 as a passing grade). For most students who applied for consideration for a government scholarship this also posed no great difficulty.

Mr. Speaker, the other thing that was appreciated was that the members of the Education Council understood that there would be an adjustment period for the students who were granted overseas scholarships. The requirement for the first year, I think, was that students were to maintain at least a 2.5 GPA—basically a C average. Most serious students really had very little difficulty complying with that particular requirement. Thereafter students were required to maintain at least a B average in their classes in order to ensure that the government scholarship continued.

Most students applying for government scholarships were admitted to academic institutions overseas where they wanted to attend and were accommodated by grants of government scholarships.

I must say as a representative, that I can think of no better investment in this country than investing in the education of our young people. We boast of probably 15,000 - 16,000 persons who are legally in this country on work permits—taking into consideration those who are presently on *temporary* work permits.

The other thing that we must keep in mind is that as far as Caymanians are concerned we have a very small population. So it is very important and not only very important but very possible, for us to ensure that our young people who have the desire and the ability to obtain admission to universities or colleges overseas have the opportunity to pursue higher education.

Mr. Speaker, you and I are both aware that that opportunity did not always exist in this country. I recall—and I have mentioned it many times—that when I was at Cayman Islands High School I found every excuse in the book not to get my hopes too high about pursuing a higher education because the opportunities were not available. Unless you had the right connections in government and the right surname, you did not have a chance.

I am very thankful to God for his providence in that even though those kinds of conditions existed, I had an opportunity to improve my education. Mr. Speaker, because of the experience that I had as a student, it makes me extremely angry when I see attempts being made to discourage our young people from pursuing their goal of a higher education.

Mr. Speaker, you are aware as I am that the last batch of applicants that we had for government scholarships were subjected to some unreasonable conditions with regards to the awarding of those scholarships. Sir, with your permission, I would like to use a part of an answer given by the Minister of Education in response to a question that was asked by the First Elected Member from George Town, which reads: **“To outline the entire policy adopted by the Education Council in regard to the issuing of scholarships”**. [Question No. 18/00] In that answer the Minister of Education mentioned the following and with your permission I would just like to read this particular portion.

**The Speaker:** Go ahead.

**Mr. John D. Jefferson, Jr.:** He says, **“The Council adopted the following modification to regulations for overseas scholarships.**

**“Effective September 1999, only two-year scholarships will be offered for overseas study with the following exceptions:-**

- 1. Students with seven (7) University of Cambridge (GCE/GCSE/IGCSE) passes at Grade B or above, or**
- 2. Students with seven (7) CXC passes Grade 2 and above at the general/technical level, or**
- 3. Students with a combined score of 1300 on the SAT examination, or**
- 4. Students accepted into architecture, engineering or medicine and who have the required mathematics and science background (‘A’ Level equivalent).”**

Mr. Speaker, those conditions as far as I am concerned are not only unreasonable, they are ludicrous.

I have a little nephew who is scheduled to graduate from the Wesleyan Christian Academy in June next year, God willing—15 years old. He could have graduated this year if he really wanted to and by the time he graduates he would have done every course and every pace that is offered under that system. He took the SAT exam for the first time earlier this year and he had a 1250 on his exam. Mr. Speaker, you and I are both aware that not

many students achieve this type of pass on the SAT exam.

The other thing to keep in mind, Mr. Speaker, is that as far as admission requirements are concerned, most of our students go the U.S. to school and most universities require an SAT of 950 - 1000 but with an SAT of 1250 you could probably get into Harvard University. So, for me, as a representative, to accept this as being reasonable for consideration for the award of a government scholarship for our Caymanian students, I would be totally irresponsible.

Mr. Speaker, you know, during the debate on the private member's motion dealing with the review of the educational system, I had quite a bit to say with regard to this particular issue. What I saw it as, was the attempt by the President of the Community College to use the government scholarship system to promote his little empire at the Community College. What is also strange is that both he and his wife—who is the Permanent Secretary of Education—sit on Education Council.

I was so upset with what was being done with regard to our students . . . And let me say that this year's graduates, not only from Wesleyan Christian Academy but also from Triple C and the Cayman Islands High School—those students who applied this year for a government scholarship were probably some of the brightest students that we ever had graduating and applying for government scholarships. For those conditions to be imposed on our students for the award of a government scholarship was very disheartening indeed.

The sad thing about this, as I mentioned in the first Whereas in my motion, is that a college or university education today is extremely expensive. So, most parents had not the option of saying, *‘if I don't get a government scholarship I will go out and take money out of my savings account or off my fixed deposit and make sure that my child is able to pursue the dream of higher education’*. Not many parents were in that financial position and that is what frustrated me.

Mr. Speaker, as you recall, I got your permission and I also made a personal statement in the House on this same issue. Basically, what my request was all about was that I was asking the honourable minister to take the matter back to the Education Council with a request that their decision be reconsidered. I must say that I was very pleased to learn . . . And you sit on the Education Council, you have been there for many years. I know the sensitivity and concern that you have with regard to the education of our young people. I was very pleased that the Education Council was able and willing to reconsider their previous position.

Let me say that I fully support the Community College of the Cayman Islands, the International College of the Cayman Islands (ICCI) and the Cayman Islands Law School. I think they have their roles and they have made their contributions to society. Under no circumstances, however, would I accept as a condition of a grant about government scholarships—for any of our young people who have the desire and ability to go overseas—that as a condition they must attend the Community College,

ICCI or even the Law School here in the Cayman Islands for the first two years.

Now, I think it was in July of this year I attended a graduation at the Cayman Islands Law School and I must commend the Minister for Education who spearheaded the establishment of that institution here in the Cayman Islands. Do you know what happened, Mr. Speaker? Because of the high reputation and the [outstanding] results that institution has achieved over the years, very few persons who decide to study law choose to go overseas.

If I were the President of the Community College do you know what I would do? He has a huge budget—every year is a surplus. Let him go out and let him employ the people that are necessary. Let him employ a professional marketing person to go out and market and promote the services of the Community College.

Mr. Speaker, as I understand it, the initial role of the Community College was basically to enable our students who were not inclined to pursue an academic higher education, the opportunity to pick up a vocational skill, that is, plumbing, carpeting, et cetera. Also, short term courses, computer literacy and the bit.

What has happened over the past three or four years, I would say, is that the objective of that particular institution has totally changed. I don't have the statistics with me today but if I had, I am quite sure they would bear me out. The majority of the work permits that we have in this country are for people who provide a technical skill. Yet, we talk about not being in a position to attract Caymanians into these particular vocations. I am not sure how genuine the effort has been to encourage our young people from going into those particular fields.

Mr. Speaker, I believe that one of the difficulties that the school has, is that, if you and I are both attending an academic institution and you are pursuing a degree and I am pursuing a vocation for a skill as a carpenter, there is still a stigma attached in our society to those particular vocations. So, all of a sudden because you are academic and I am vocational you might feel you are better than I am. Those particular students, I believe, have a complex, (that is, those who are pursuing a vocational skill at the same institution). I believe that is also one reason why we have not been able to attract more students in that particular area.

I am asking in this motion for the Education Council to establish specific guidelines with regard to two types of scholarships. One, a local scholarship, the other an overseas scholarship.

Mr. Speaker, just yesterday I was at my MLA Office in West Bay and a young lady came to see me. I was aware that she was previously on a government scholarship. I said to her, "Did you finish your degree?" She said, "No, Mr. Jefferson, circumstances changed and I was called upon by my parents to come in and help run their business. I have a child and I find it very difficult to leave at this stage to go overseas to complete my education because of those circumstances". I encouraged that young lady by telling her that I appreciate the position she is in, but that there is nothing wrong with pursuing

and continuing her education locally at ICCI or Community College because that is possible. So, there is a role for a local scholarship and there is a role for an overseas scholarship.

I am aware that persons from the Education Council responsible for interviewing applicants for government scholarships, have on occasions felt that some students were not mature enough to go overseas at that stage, or were weak in one or two subjects. The recommendation made was that *'you go and attend the Community College for maybe a semester or two, bring your grades up and then reapply for a government scholarship'*. Once that was pursued, there was no problem. I think that is a sensible approach.

The other thing that this motion calls for—and I did not even think of this until I discussed with a member—is that you also have students from the other islands (Cayman Brac and Little Cayman) who are applying for government scholarships. Let's say they apply to attend a local institution; they leave Cayman Brac or Little Cayman and come over here; they are away from home. Unless they have a relative who can accommodate them, they have additional expenses that someone living here in Grand Cayman would not incur because they would be living at home. Mr. Speaker, some consideration should be given to those students to say, *'Okay, the award is \$5,000 per annum, you throw in another \$2,000 - \$3,000 for accommodation in order to assist those students with pursuing the goal of a further education'*.

Mr. Speaker, I cannot tell you how pleased I was to walk into a room at George Hicks School where an orientation session was taking place for all students who were granted government scholarships. I walked in and there were parents and students who had previously applied for government scholarships and were, should I say, not denied, but the ridiculous requirement had been imposed on them about having to attend the first two years at the Community College. After the decision was reversed by the Education Council, there they were being briefed on what to expect when they went overseas to attend school. It made me feel good as a representative; it made me feel good as a Caymanian. As I said, it was probably one of the brightest classes of graduates that we have had in a long time and to see them regardless of who they were, having an opportunity to pursue higher education, made me feel good.

One thing I must say about the Minister of Education is that even though he and I have had a few clashes we are good friends. At least, he was bold enough to take the request back to the Education Council, and Education Council was bold enough to reverse their decision.

Now, I have learned over the years that you don't know everything and if you believe you are right all the time you are fooling yourself. What I have learned is that if you keep your mouth shut and listen, it is amazing what you can learn. So, I want to say to the minister, *'Thanks, for being man enough to take the request back to the Education Council'*. I believe that the establish-



ment of clear, specific guidelines with regard to government scholarships would help all interested parties.

This Motion also deals with consideration by Education Council for awarding financial assistance for adults who may want to pursue a course of study even on a part-time basis at one of the local academic institutions. They should have the opportunity to do that. As far as I am concerned, regardless of your age you can be a student.

Mr. Speaker, I am aware of a number of parents (in most cases single parents) who have a desire to further their education but they find it necessary to have to work on a full time basis in order to support themselves and their families. It is amazing how quickly time flies and even though they will be doing it on a part-time basis over a period of time, they will achieve basically the same objective. I believe that we need to do everything that is possible to make the opportunity of a higher education in this country available to every Caymanian— young, middle-aged or old—who has the ability and the desire to do so.

Mr. Speaker, I want to thank you for your time and thank the honourable members for their attention. I will now sit and listen to what government is prepared to do on this issue.

**The Speaker:** The floor is open to debate. Does any honourable Member wish to speak?

The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddin:** Mr. Speaker, I was wondering if it may be possible to take a ten-minute break. This has come on so quickly. Oh, I am sorry, the seconder will speak. That will be good, sir. That will give me the time I need sir.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** Mr. Speaker, we would not want the government to not be able to address this matter in short order.

I am glad to second this resolution as I had a similar one and when this one was tabled, we decided that I would second this one by adding some of the things in it now. The mover did a pretty good job of outlining our complaints so I would not want to traverse that ground.

Before I begin on this, I would just like to say that I have confidence in the permanent secretary and in the president of the Community College. I think that their work has been exemplary. I believe, sir, that the Community College is a great investment for this country and that more of our young people should take the opportunity of getting classes there. As I have said in this House before, I believe that a lot more could be done by the Government to advertise, promote the Community College and I still believe there is a lot more that can be done at the school.

So, I would not want people to believe that I share any remarks in regards to their efforts because I recog-

nise when people do hard work and I do know, as much as anyone wants to talk about the president of that college, he works hard there.

Mr. Speaker, you will find that when the ordinary classroom is out for the summer, you can find the president of the Community College working. All I believe needs to happen is for the policies to be set and he can carry them out. He is a very capable person.

Mr. Speaker, I did not have an opportunity to get a university education. To say the truth, sometimes within myself I ask, '*Why did that happen? Why were there no opportunities in my time for that?*' Nevertheless because I feel and well understand today what is required for people looking jobs, students looking jobs, young people wanting good positions. If they do not have that proverbial piece of paper they don't stand much chance in this world we live in, where we are so competitive. Well, let's say, we have to be competitive in the global environment.

While I did not have that opportunity, I am proud and glad for those who did. I have always sought to encourage and to do my own little part in helping others get a university education. My advice to those who lose an opportunity is to '*think again*'. This is not an easy world we live in. Cayman has entered the world stage so much so that sometimes we like to think we are set in our own little corner.

When a [young person] studies hard and gets good grades, no matter where he comes from he must be given every assistance. I am glad that I was part of a government that took the decision that [students] must be assisted no matter where they come from. What we sometimes have today, is that a student does not want to attend a government recommended university or college for his own reason—let's say, because of religious beliefs (that is, they may only [wish] to go to a school or college associated with their church). Sometimes these persons are kept back. I have found that in my walk as a representative. I do not see any reason why that should happen.

We are finding young people who are honour students wanting to study courses in behavioural science, and no one can tell me that we don't need that today. Someone with that training is very much needed within our governmental system. Yet, we have people who are told, '*You cannot go to that school because it is connected to your church*' for whatever reason they say that.

Mr. Speaker, I have some experience because people have come to me and I have had to check out the matter. I would say, all of those who have not been able to get scholarships this year are those who can least afford to pay for a university education. This is no longer an inexpensive matter. I have two children. I know what it means not to be assisted. I know what it means to have to do it more or less on your own. This is not good: not in a country that boasts what we boast. When you stop and think of the kind of expenditure that is taking place right, left, and centre, on roads but yet some of these people are brushed aside.

I don't think that a student should be told '*You cannot go here, you cannot go there*'. It has to be pretty bad if he cannot learn something. Surely he can get assistance under the student loan scheme—but he would have to do that even if he did get a scholarship because as we know a scholarship does not pay for the full four years anyway. I trust that it would be understood that telling a student he cannot get a scholarship after he has qualified for one—that is, after a student has been written to by the Education Council stating '*You are granted a scholarship*'—and then (as I know has taken place) a few days before that student is about to depart he is told in writing, '*No, no, no, Social Services say you cannot go because they don't want this or they don't have the need for this qualification . . .*' Telling a student that is only destroying his hope.

The House was given the assurance that our students would not continue to have the kind of problems outlined in the motion but changes need to be made. The problems are still evident. If we say that, we must mean it. Every student must be given an opportunity when he has done well and qualifies and especially when there is an honour student in our system. He must be given that chance! I trust that changes will be made.

The motion, in what is outlined as item 3, says that the guidelines are to provide for the award of scholarships for those persons who have no parental or other financial support. Sometimes that is so; some students are unfortunate, but thank God there is not a tremendous amount of them but we do have that situation. Some children don't have any parents who can go and sign a loan for them. They don't have anyone else that they can depend on and as I said, thank God there are not a lot of people but I do know of some cases like that. We should provide for that kind of student.

Mr. Speaker, getting a university education I believe should be paramount with parents for their children and children for themselves. I would hope that our young people would continue to take up the opportunities lying before them. There are some stumbling blocks but I would say by and large there are many opportunities, many more than I had and I would hope that they would continue to do well in school. My advice to parents is to encourage their children to go to school and to see to it that they go. See to it from primary school right up that they don't watch too much television and they study hard because Cayman needs every young person we have. We cannot afford to lose one.

Thank you, Mr. Speaker.

**The Speaker:** The floor is open to debate. Does any Member wish to speak?

The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddan:** Thank you, Mr. Speaker. The business has gone so quickly that I am slightly short of time on this reply. However, I will do my best because as you know this is the fourth motion for the day.

Mr. Speaker, the motion begins by saying the cost of university education has become extremely expensive. That is correct, sir.

It says, "**AND WHEREAS as a result most students find it necessary to apply for an award of a Government Scholarship to fulfil their desire of obtaining a university or college degree overseas.**" This is correct.

"**AND WHEREAS, especially over the past eight years, Government has been extremely generous in making Government Scholarships available for students who have the desire and ability to further their education.**"

The Government of this country in the last eight years has basically taken a policy whereby anyone who qualifies for a scholarship will get it. If I may personally state my position on this, I believe that money cannot be spent on anything better than educating our youth. As long as I am in a position to do so, I will ensure that every Caymanian in this country who qualifies under the law for a scholarship will get it because the best investment that can be made is the investment in our youth.

So, I thank the mover and the seconder for putting that in and I can assure them that the Education Council, the Government and I, will ensure that continues to happen.

It goes to say whereas the guidelines have been changed and the feeling is that the changes are unreasonable and too restrictive. I would like to just go in a bit of depth on that.

We have in the island three institutions—the Community College, the International College of the Cayman Islands and the Law School. Both of these colleges are large and have a general type of qualifying exams and degrees within them. The Law School is obviously restricted to Law. I would like to just point out the reasoning behind the policy that was done.

The policy was basically this: It was that any person who could go into one of the colleges here who applied for a scholarship would do the first two years—the associate degree—and then would go on for the last two years overseas. The rationale on that was clearly that, firstly, in most instances it is better for young persons to begin the trauma and the problems of college in their own countries where they are supported by their families. So, it is always uppermost in the minds of the Education Council to do what is best for the student and by and large that is the position. They do better and they settle in quicker at that age. Remember, some of them are fairly young these days when they come out of school. And to do two years here, provided the associate degree or the qualification they get is relevant, the credits could be transferred or the exams in the case of a British institution accepted for doing the last two years abroad.

There were some exceptions. The following are students who would normally go abroad for the four-year scholarship if they wish: Students with seven GCE/CXC with passes in Grade B or above, or with the CXC at Grade 2 and above at the general and technical level, or students with a combined SAT score of 1250 or more.

Also, students accepted into architecture, engineering or medicine who have the required mathematics and science background and any other subject area on the priority list of the Education Council of which the core requirements of the first two years are not offered in the Cayman Islands.

So, if there is something that was not offered here that could be transferred abroad or within these speciality areas, as I mentioned, they would have to go abroad anyhow. So, no one would be asked to go to one of the two colleges here if they were not going to be able to use those exams to go abroad. The students who were expected in this area had to be admitted to higher institutions.

The other purpose was, obviously, that the guidelines as they stood not only assisted the children, I think, but also it was a matter of \$2,500 versus \$17,000 or really \$5,000 - \$6,000 instead of maybe \$34,000 for the two years abroad.

Also, it would assist the two colleges here in that they would now be able to better develop their own programmes locally. But the main thrust as is known, the Education Council, has on rare occasions during its interviews with students, said that a student is not sufficiently mature to go abroad. This does happen because some students coming out of school, while they may be very bright, they may finish school early. Not every student is sufficiently mature to attend a large university abroad. So, the overriding fact in this was the betterment of the young person.

Now, we had possibly in the end about twelve who wanted to go abroad instead of staying here. Some of those, when they were spoken to and interviewed saw the benefit of remaining here and did so. Some didn't and these exceptions were taken back and as the mover mentioned several of those were allowed to go abroad, the reasons were there. In fact, some of them came within the guidelines.

Mr. Speaker, I would like to point out clearly that my permanent secretary, Mrs. Joy Basdeo, is undoubtedly one of the most outstanding persons in this country who has basically given her full life to education and so has the president of the Community College, Mr. Basdeo. They do a superb job and I believe this country owes them gratitude for the many young people in this country who have been schooled and who have taken their rightful place in this society. So, I take exception and very much so to the remarks made by the mover of this Motion. I was happy that the seconder in that respect did not follow the mover [*chuckles*] and he knows when to follow and when to lead.

**The Speaker:** May I interrupt you for a moment, please.

**Hon. Truman M. Bodden:** I am sorry, sir.

#### MOMENT OF INTERRUPTION—4.30 PM

**The Speaker:** We have reached the hour of 4.30, the hour of interruption. If it is the wish that we continue be-

yond, if not, I would entertain a motion for the adjournment of this honourable House.

The Honourable Minister for Education, Aviation and Planning.

### ADJOURNMENT

**Hon. Truman M. Bodden:** I am very happy to move the adjournment of this honourable House until 10.00 AM tomorrow.

**The Speaker:** I shall now put the question that this honourable House do now adjourn until 10.00 AM tomorrow.

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

**AYES.**

**The Speaker:** The Ayes have it. The House stands adjourned until 10.00 AM tomorrow.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 7 SEPTEMBER 2000.**

**EDITED  
THURSDAY  
7 SEPTEMBER 2000  
10.25 AM**

*[Prayers read by the Second Elected Member for Bodden Town]*

**The Speaker:** Proceedings are resumed.

Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have apologies from the Honourable Third Official Member who will be arriving later this morning.

Item three on today's Order Paper, Questions to Honourable Members/Ministers. Question number 55 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 55**

*Withdrawn*

**Mr. Roy Bodden:** In light of the fact that there was a healthy and robust hearing of this matter during yesterday morning's sitting I would respectfully request to withdraw this question at this time.

**The Speaker:** Do you have a seconder?  
The Elected Member for North Side.

**Mrs. Edna Moyle:** I second the motion.

**The Speaker:** The motion has been moved and seconded that question 55 be withdrawn. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. Question number 55 is withdrawn.

**AGREED: QUESTION 55 WITHDRAWN.**

**The Speaker:** Moving on to question number 56 standing in the name of the First Elected Member for West Bay.

**QUESTION 56**

**No. 56: Mr. W. McKeeva Bush** asked the Honourable Member responsible for Agriculture, Communications, Environment and Natural Resources what is the status of the Grand Cayman Waste Water Treatment Works Project.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** I did give this answer yesterday to another question but I will give it again.

The Water Authority has confirmed that the engineering design for the Grand Cayman Wastewater Treatment Works Project is approximately 95 percent complete. The project is currently on hold while awaiting Government approval for the Authority to borrow approximately US\$12.8 million from a local bank to finance the construction of the project.

**SUPPLEMENTARIES**

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** In discussions yesterday he outlined that Executive Council had received the proposal from the Water Authority Board from November of last year and that there is some paper being prepared to be brought back to Council to discuss the matter. Can he state if the reason why the matter has not been resolved thus far, and the Water Authority given the latitude to engage in the borrowing, is because the negotiations with the bank have resulted in the bank agreeing to the financing conditional to the government not receiving any money from the Water Authority during the length of the loan?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** I am informed that one of the conditions is that the bank did say that the government would not take any funds that would cause any problems for the Authority to repay the loan in question.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** The minister is doing his usual thing and I can understand his position, but I asked the minister if that was the reason why the matter has not

been resolved in Executive Council thus far. The minister has said that that was one of the conditions of the loan agreement.

I am asking the minister if that condition has anything to do with the delay in government giving authorisation to the Authority to borrow the money.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** Yesterday when a similar question was posed, the Third Official Member elaborated a bit on it and mentioned another matter which was also one of the causes why this had been delayed for further study. So, I guess it is correct to say that the question has been posed and is one that will be under some study.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Yesterday when the discussion took place, it was fair comment to say the situation was one causing great concern. I appreciate the fact that there has to be a balance between any borrowings engaged in, and the Authority having the viability to be able to satisfy the government with some income from its investment—the government being the owner of the Authority. If possible, however, I would like the minister to tell us whether the government fully appreciates the seriousness of the situation and whether it is the government's intention to resolve the matter very speedily.

The fact of the matter is that while we have talked about the garbage dump for years, the sewage treatment plant is more of a problem at this point in time than the garbage dump. At what level of priority is the government looking at this project with regards to getting on with what has to be done to correct the situation that prevails?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** As far as being the minister responsible for this, it would be number one on my list and for that reason both the Authority and I (I am the Chairman) have placed this matter before Executive Council with the hope that it will be dealt with speedily. However, I refer, again, to what was pointed out yesterday. In Executive Council, there were certain things that needed further study. Therefore, while it remains a priority with the Authority and me, we have to abide by the wishes of Executive Council: they make the final ruling.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the honourable minister say whether he has gone to the Chairman of Council—that is, His Excellency the Governor, to ask his assistance in moving this matter forward? The matter is a se-

rious one and should not be taken lightly. I think the House understands that. I should say to the minister that I believe that is what he should do if has not done it. But maybe he can say whether he has gone to the Governor to ask his assistance in moving this thing forward since this has been before Executive Council for the last year.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** In all the discussions on the matter in question the chairman of Council has been present and of course understands the seriousness of it as put forward by myself and the managing director of the Authority who has also been before Council and made a presentation.

So, the seriousness of it, and our efforts to get it through have been in action. I can say no more at this time.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** It is my understanding that the Authority went out and basically secured financing on its own, which is not the normal procedure as I understand for authorities obtaining financing.

Normally, there is a government guarantee in relationship to whatever the request for financing. Since the Government is so concerned, I wonder if it has looked at the possibility of an alternative with regard to the Authority contributing financially. Has Government considered going out there and providing a guarantee, which is normally usual in connection with this kind of financing?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** What has taken place here is normal. This is the procedure that needs to be (and has been) followed. As was pointed out yesterday, the Authority has the right to secure financing as it has done, but thereafter under the law it has to have the blessing of Council.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I want to thank the minister for that particular answer but in light of the urgency of the situation because I heard him mentioning yesterday (and I am not sure who advised him) that there is no potential health hazard as a result of not dealing with this issue.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** Mr. Speaker, that is not correct. I did not say it that way. The question was about the water passing through the pipes and going into the ground. I stated that the information passed on to me was that water was coming from the ground because the pipes are

on the ground and therefore the water was going into the pipes and pumped to the sewage ponds and it was no threat.

**Mr. John D. Jefferson, Jr.:** I thank the minister for elaborating on that. But in light of that then it is my concern with regards to the potential health hazard that this could pose. Could the minister give us any indication as to how soon this financing will be secured so that this problem can be dealt with?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** As I have said before, the financing is secure. The project is awaiting government's blessing.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Which agency, department, or ministry in government holds the ultimate responsibility to determine whether this is a health hazard now, or whether it has the potential to deteriorate into a health hazard? Has the department of environment ever carried out investigations into this potential danger? And what is their disposition and findings?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The department would be environmental health. As was pointed out there is no threat at this time, therefore, I don't think that any investigations were carried out by the department. However, if the Authority felt that there was some threat, definitely they would be consulted and the necessary action or report would be made.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** The minister has said on one hand that there is no threat, but on the other hand the treatment facility has been overloaded for at least the last three years.

It seems like another hotel is coming on line soon. They are even going to pave the road to help facilitate the opening. It has to be that this has some bearing on our already fragile tourism industry and it seems that the government has taken a nonchalant attitude about the whole thing. We cannot understand where they are at with it because the minister says one thing and the Financial Secretary says something a little bit different. I am getting to the question, sir.

Has the government, taken into consideration the fact that it is overloaded and of the potential damage it could cause to our tourism industry?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** I think that everyone in government is well aware of the seriousness of this problem. At least from the Authority's point of view, and my ministry's, it has been put forward. It is impossible for me to say when Executive Council will take a decision. I wish I could say. If I could, it would put my mind at ease—being responsible for the project. I would have appreciated this being attended to months ago.

As I said earlier, I am concerned about it, being the person responsible, but at this point in time I wish I could do something more to activate it and get it over with. I would like to add that the member did mention that the Third Official Member and I differ. I don't think we differ, maybe he used different words, but I think we are on the same track.

**The Speaker:** Are there any further supplementaries?  
The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I think it is timely here: yesterday, when we were talking about this matter under another area the honourable Third Official Member was quite willing to get up and make a short statement of explanation, which we were very grateful for.

I wonder if it is possible, because of relevance, for us to be allowed to ask the honourable Third Official Member a question regarding this matter which obviously would put things into a better perspective. Is that possible, sir?

**The Speaker:** The question would have to go through the Minister of Agriculture.

**Mr. D. Kurt Tibbetts:** That is fine, sir.

We are at this point in time discussing the proposed sewage treatment project because of the problems that exist with the one that has been there for several years. The honourable Third Official Member yesterday (and I am directing the question to the Minister of Agriculture), explained that a Paper was being done to determine several factors. I remember hearing the Minister of Tourism at one point in time giving a commitment that the government was going to sit and work out the policy along with the Authorities regarding any monies to be had from them on an annual basis. This has been over a period of years now.

The backbench has questioned the government. The government has answered: the Minister of Tourism has given a commitment. The honourable Third Official Member has talked about it with us and says that the matter will be discussed.

Here we are having a situation with the Water Authority, which has the ability to borrow funds. This means that they must have produced a balance sheet to the private institution that was going to lend them the money. They are borrowing the money without the necessity of a guarantee from the government. It seems like the hiccup

is because one of the conditions of the loan agreement is—and this is my understanding in broad terms—that the government should not expect any funds from the Authority that might put them in a position not to be able to make the repayments on the loan.

What I am questioning now (through the minister to the honourable Third Official Member) is, Has the government at any point in time sat down and tried to come up with this policy that it said it was going to do years ago? If it has not done so, how can it use the position with the Water Authority at present and single them out when there are other Authorities who are engaging in similar borrowings for similar long-term projects and they are not treating all of the situations in the same manner? In the interim, the matter is serious but the Water Authority is at a stalemate and cannot move forward with what is considered by one and all as something that is totally necessary. How can the government seem so impotent with regards to not acting on the matter?

Could the government not consider doing what they have to do to allow the Water Authority to get on the project and then sit down and work out whatever policy they have to work out?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Thank you, Mr. Speaker. As I pointed out yesterday to the First Elected Member for George Town, the Portfolio for Finance and Economic Development recognises that the project to be undertaken by the Water Authority is one that is very much needed.

Initially, when the Portfolio was invited to make its input, it was not a question of the borrowings alone that had to be looked at. We have a case at this point in time where—and I raised this with the director and others. Even up to yesterday morning, the question was put and certain assurances given. When the Water Authority carries out major works, it has a corresponding impact upon the infrastructure works of government.

Let us say, for example, if one would envision the type of capital works would flow from an investment of over \$12 million. It would involve the cutting up of roads or could involve other aspects as well that government in turn would have to turn around and find money in order to re-establish the integrity of the road works that would have been damaged and other things. We had to sit down and go through that by way of discussion.

Secondly, the Water Authority pointed out that for a period of about 3 to 4 years it would not be in a position to make any contributions to government. We had to sit down and look at that, not only from the contribution point of view but also from the potential liability that would be carried over.

We have satisfied ourselves that the portfolio is now in a position to support the request that has been made of the Water Authority. I pointed out yesterday that there is a paper being developed at this time under the direction of the deputy Financial Secretary, and this will be going to Executive Council next week. That paper will set

out the views of the Portfolio of Finance and Economic Development but it cannot be said, because obviously the portfolio cannot commit the government but our views will be set out. We recognise the importance of this.

Again, this question has been raised by the honourable First Elected Member for George Town and other members in terms of the policy aspect and in terms of the contribution. Obviously, the government does not want to put any of the statutory authorities in an untenable position. This definitely is not the case because when everything is put together it is one government with different branches. We are a very small but dynamic country. We have the Water Authority doing one part and the Port Authority another. It is just a question of developing the goods and services for the benefit of the community at large.

There is a need to make a prudent examination of the financial implications, and what has been happening we have even gone as far . . . and this is why under the financial reform to be undertaken that the capital works of central government set out in the budget will definitely have to be expanded to include what will be done by statutory authority so that there can be synergy.

So, for example, when the statutory authority is going to be carrying out works to the value of \$12.4 million there needs to be an assessment as to what impact this will have upon central government. Where will the funds be coming from—and not only one but all the agencies of government? This is where we want to get to so we can have a comprehensive framework in which to work.

We do recognise that we have been operating in a fragmented framework up to this point in time. We are trying to correct that. It is not that we are insensitive or don't want to give support where it is needed. It is not a question of \$12.4 million—because if an epidemic breaks out, it does not take a rocket scientist to establish what the cost will be and obviously, our infrastructure is the support for our continuing development. It is the support for our tourism industry or the community at large.

Mr. Speaker, it is very important that this analysis that has been carried out by the portfolio be done and as I said there will be a paper going forward and we do trust that this will enable the decision to be taken.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Through you, sir, just so that the honourable Third Official Member will understand. I am appreciative of the situation and I understand from where he sits the efforts that are forthcoming. It is just a bit frustrating from November last year that we are now talking about this effort.

But through the honourable Minister for Agriculture, the honourable Third Official Member this question: He just talked about the working in synergy. He just talked about when you look at what has to be done with this new project about the ramifications of damage to roads and road works. How can the government be thinking

along those lines—not dealing with the Water Authority, but spending a whole pile of money doing the West Bay Road with two feet of asphalt and that will have to be dug up? Can he answer me that?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources, will you give way to the Honourable Third Official Member?

*[Inaudible comment]*

**Hon. George A. McCarthy:** Mr. Speaker, I do not think it would be advisable for me to add any comments to this statement or attempt to respond to the statement that has been raised by the First Elected Member for George Town. I have the highest regard for him and his opinion, but this is one that is bordering in an area that I think it is best to exercise some restraint.

**The Speaker:** I am going to limit it to three additional supplementaries.

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Thank you very much, Mr. Speaker, you have been very kind in this last meeting.

The honourable Financial Secretary made mention of the port expansion as against the expansion or the development of the sewage treatment works. I think it begs the question—*What priority has government given to this?* We have a port that can be rehabilitated.

The treatment work is full to capacity and overflowing for the last three years. People are already paying for it. It is \$14 million—so they say—for the port expansion. It's US\$12 million for the treatment works. Can the Financial Secretary say how come they are moving on one and not moving—

**The Speaker:** Please direct your question to the Honourable Minister for Agriculture.

**Mr. W. McKeeva Bush:** Sorry?

**The Speaker:** I say you must direct your question to the Honourable Minister of Agriculture, Communications, Environment and Natural Resources.

**Mr. W. McKeeva Bush:** Thank you very much, sir. Can the minister say why has Executive Council approved to facilitate one and not the other?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources do you wish to answer it or do you require the assistance of the Third Official Member?

**Hon. John B. McLean:** The decision has been taken on the Port, and the one for the Authority is pending. I cannot elaborate more than that for the member who is

questioning it. I don't know if the Third Official Member has anything further to say.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I am not in a position to offer detailed comments as to why a decision has been taken to move ahead. But it is quite evident to anyone driving through George Town . . . And I have heard the honourable Minister for Tourism under whose ministry the port falls, point out the urgency for works to be carried out on the port.

Driving to work many mornings, I have looked and seen where a part of the dock itself has fallen into the sea. I have seen that, Mr. Speaker. I have not gone through the engineering works but if that has occurred, it would suggest to me that the whole structural integrity of the port could be in question. Again, like the sewage treatment work, no one can doubt the importance of having a functioning port to the country.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Since it appears that the sticking point with regard to the approval for the project from Executive Council is the contribution from the Water Authority to government, I wonder if the honourable minister can confirm when was the last time the government received a financial contribution from the Water Authority.

**The Speaker:** I think that is out of the ambit of this substantive question. You are actually working on the sewage treatment plant. If the honourable minister wishes to answer he may.

Final supplementary, the Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, this was exactly what I was speaking about yesterday when I was discussing the Constitution. How is it possible for us to have any kind of checks and balances if ministers are not in a position to answer accurately with regards to questions posed about the management of their portfolios?

I would like to ask: If 95% of the water treatment plant is complete, which is what I understand *[inaudible comment from the floor]* . . . It is the engineering design that is completed. So, why is it that we only have 95% of the engineering design completed? How much money would it cost to have the other 5% of the engineering design completed, or whether or not that 5% of that design depends upon something else being put in place?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** Mr. Speaker, this design is done in House and it is more or less just awaiting the approval of the funding to finalise the specs on the design.



**The Speaker:** Moving on to question number 57 standing in the name of the Second Elected Member for Bodden Town.

### QUESTION 57

**NO. 57: Miss Heather D. Bodden** asked the Honourable Minister responsible for Tourism, Commerce, Transport and Works to provide an update on the undertaking that was given by the former Minister for Works with regards to assessing the traffic problem in the vicinity of Newlands Road and Tall Tree.

**The Speaker:** Before asking for the answer to this question I would appreciate a motion for the suspension of Standing Order 23 (7) and (8) that Question Time can go beyond 11.00 AM.

### SUSPENSION OF STANDING ORDER 23(7) AND (8)

**Hon. Thomas C. Jefferson:** Mr. Speaker, I have pleasure in moving this suspension of the relevant Standing Order to allow the questions and answers to be given.

**The Speaker:** The question is that Standing Order 23(7) and (8) be suspended in order that question time can continue beyond 11.00 AM. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

### AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED.

**The Speaker:** Question time continues. The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Some time ago the Public Works Department analysed the traffic congestion in the vicinity of Newlands Road and Tall Tree. This was done by taking counts at the intersection, especially during the morning peak hours. A short report was prepared recommending alternatives for improvements.

The Public Works Department is in the process of reviewing and updating the existing report in order to prepare recommended alternatives to alleviate the congestion for which financial provisions will be made in the 2001 Budget.

### SUPPLEMENTARIES

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** I cannot stress enough the importance of this matter. As the honourable minister and everyone else in this honourable House is well aware of the situation within this community, it has be-

come the fastest growing area over the past four years. On a daily basis traffic is backed up on the Newlands/Hirst Road. Could the honourable minister say if consideration might be given to perhaps purchasing the house right on the corner that is up for sale so that the property could be used for widening the road?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** My understanding is that all of the design work in terms of what alternative will be used has not been carried out as yet. I believe it is proper to say that additional land and other things will be necessary to be purchased in order for the junction to be improved to such an extent that safety and traffic flow is priority.

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** I have had representation with regards to perhaps installing a four-way stop or a traffic light. Could the honourable minister give his views on this?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I do not want to say something that commits Public Works. I prefer to leave the matter open and let us wait to see what recommendation they will make. When that is available, I believe the government, whoever is responsible at the time, should undertake to discuss this in detail with the members who represent Bodden Town, East End and North Side.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the honourable minister could say what were the findings of the Public Works Department some time ago when they did this study of the traffic congestion, and what were their recommendations as to alternatives in their short report that was prepared and presented.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The work that was carried out by Public Works was several years ago, some time before I became responsible for the subject of Works.

It so happens that the gentleman who is responsible was not available in the last day or so, so I would have to undertake to obtain the report and let members have a copy of it or an explanation of it.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the honourable minister, even though he said the gentleman who prepared the report was not available, can say if any recommendation was made as to using a roundabout in that area rather than a four-way stop sign on a highway out of the district of North Side, East End and Bodden Town?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I think on a major road there would likely . . . I have not seen the report. I don't have the report in my office but I think on a major road it is more likely that a roundabout will be the solution thought of, not to say that it is. But I think that would be the normal course that Public Works would take.

But let's leave it open for their recommendation and when the recommendation is available, if I am still here, I will pass it on.

**The Speaker:** If there are no further supplementaries, we are moving on to question number 58 standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 58

**NO. 58: Mr. Roy Bodden** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to provide details of complaints received from Caymanians against services received from Baptist Hospital since January 1998.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Since January 1998, a total of nine complaints were received by the Ministry and Health Services Department about services provided them by Baptist Hospital. Four complaints were received in writing and five were verbal.

Six of the total nine complaints were about Nursing/Physician care. The remaining three were related to finance matters.

#### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable minister tell the House whether these matters were resolved to the satisfaction of the complainer.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Some of them were resolved, some were not, and some are still pending.

Just for the information of the House in regards to what happens to these complaints when they do come

in: The Health Services Department assists with the processing of the complaints which are then passed to Baptist Hospital for them to respond directly to the patient and/or the relative.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable minister tell the House whether there is a pool of persons or whether there is just one person in the Health Services here responsible for receiving, filing and pursuing these complaints or, if not, how are these matters normally handled?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** There is a Patient Relations Supervisor and a Patient Relations Officer on the front line, also the assistance of the Chief Medical Officer and where needed, the assistance of the Ministry.

To also broaden the scope, just last year in August, Baptist Hospital [representatives] were here and they actually invited the public to come in if there were persons who had any concerns or problems they wanted to share and discuss.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I feel that the Baptist Hospital has provided a very valuable service to the Cayman Islands. I wonder if the honourable minister can say how often the agreement with Baptist Hospital is revised? Or have we recently put the service out to tender to see whether or not we can get a better deal with some other facility?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** I would like to thank the Third Elected Member for West Bay for his kind remarks. As within any huge organisation there are complaints but there has also been a substantial amount of kudos for the relationship with Baptist Hospital.

The other part of the question is in a primary question coming up shortly to which I will respond at that time.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** In one of the supplementaries I think the honourable minister mentioned that there is a Patient Relations Supervisor. I wonder if that Patient Relations Supervisor is responsible for nursing and physician care in addition to financial matters.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** The Patient Relations Supervisor would make the assessment on the original complaint. If it is a medical one it would be dealt with through the Chief Medical Officer. If it is a nursing one, the Chief Nursing Officer would be brought in, and if it is a financial one, the Chief Financial Officer of the Health Services Department would be brought in.

**The Speaker:** If there are no further supplementaries we will move on to question number 59 standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 59

**NO. 59: Mr. Roy Bodden** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation what plans does the Ministry have in regard to replacing the Community Development Officer for the Bodden Town District.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** On 7 July 2000, the Department of Social Services submitted a vacancy form for this position to the Personnel Department. The post was advertised in the Friday, 21 July, issue of the *Caymanian Compass* and the issue of the *Cayman Net News* of the week of 26 July 2000. Applications received have been carefully scrutinised by the Department of Social Services. Candidates have been short-listed and interviews are due to take place today—7 September 2000.

#### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town, a supplementary.

**Mr. Roy Bodden:** Is the minister in a position to say whether any of these applicants are from the district of Bodden Town?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** My understanding is that one of them was from Bodden Town.

**The Speaker:** If there are no further supplementaries we will move on to question number 60 standing in the name of the Elected Member for North Side.

#### QUESTION 60

**NO. 60: Mrs. Edna Moyle** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to give an update on the North Side Senior Citizens' Centre.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** I have to give a lot of credit to the Elected Member for North Side who has been pressing for this facility for many years. I am pleased to say that some progress has been made.

In this year's (2000) Budget, under Capital Development, the sum of \$15,000 was allocated for project development. The necessary research has been carried out by the Public Works Department and the project definition document has been produced, including the costing now. This will be submitted in the budget for the year 2001. The proposed total floor area is 4,800 square feet. The building will consist of three bedrooms – two to accommodate three persons each; two to accommodate two persons each; and one to accommodate one person, for a total of 11 persons in residence.

The one-bedroom is so designed to accommodate a challenging and disruptive client or someone who might have an infectious disease and who requires separation. The day-care room, which will be a general activity room for day-care clients and residents, will cover 600 to 750 square feet.

The facility will also comprise a dining room for residents only, a residents' lounge, staff quarters, office, a commercial kitchen, laundry storage and a veranda. A generous size garden area is also planned with shade trees, flowering plants and seating areas. A car park for 10 to 15 vehicles will be included.

The facility will be built to hurricane standards so as to enable the residents to remain there in the event of a storm or hurricane. The estimated cost, including furnishings, is \$1,347,848.00.

#### SUPPLEMENTARIES

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I would like to thank the honourable minister for getting one step closer eventually for this project. But when I see this \$1,347,848, if my memory serves me correctly, this was the figure that Public Works gave us back in 1998 or 1999 when it was removed from the Budget because it did not have the total project cost. I am a little bit surprised that we are coming back with the exact figure that Public Works gave us at that time.

Anyway, be that as it may, I only look forward to the completion of this project for the elderly for North Side. But my question to the minister is, Do we have property at this time? If not, is he in a position to say where in North Side we are looking to put this facility?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** The department is looking at different areas. There was one possibly identified by Public Works but we will have to enlist the services of the land registry and also the ministry that is responsible for

that to make sure that we get the right location. I think it is important that we have a decent size piece of land to set this building on that is not cramped up. I am certainly looking forward to involving the member whenever possible in this final decision.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I note from the substantive answer that the facility will be built to hurricane standards. Notwithstanding that, I noticed that the proposed floor area is 4,800 square feet and that the estimated cost including furnishing is some \$1.3 million that works out to approximately \$281 per square feet furnished.

I wonder if the honourable minister can say when any comparative cost has been done on this?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Not to my knowledge, but I would follow up on this and find out.

Just for the information of this House, I am made to understand that construction cost seems to be drifting a bit downward and we are hoping that when this actually goes out it will be at a better price than what we actually have listed here.

**The Speaker:** If there are no further supplementaries we will move on to the final question, number 61, standing in the name of the Third Elected Member for George Town.

#### QUESTION 61

**NO. 61: Mr. Linford A. Pierson** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to state when the medical referral agreement with the Baptist Hospital will be up for reconsideration.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** The contract with Baptist Health Systems of South Florida will expire on 16 March 2001.

#### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I wonder if the honourable minister is in a position to say that in view of the short period to the expiration date whether any consideration has been given to opening up discussions with other hospitals such as Jackson Medical Centre, the Cleveland Clinic, or any of these other renown hospitals in the Miami area?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** In accordance with the terms of the contract the provider, Baptist, will give notice of its intent to apply to renew the contract sixty days prior to the expiry date. However, a formal government tendering process will be carried out to determine who will be contracted to provide tertiary level medical services for government which I think was done initially by my good friend, the First Elected Member from West Bay. There is a medical team that goes up to visit all of these centres and then that decision is made through central tenders.

**The Speaker:** Supplementary. The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I understand from the answer to the supplementary that the Baptist Health systems would indicate within sixty days of the expiry date whether they wish to have the contract renewed. But I wonder if the minister is able to say whether independently given the short period of six months any attempts have been made to look elsewhere, considering the answers that were given to a previous question regarding the number of complaints made by patients about the Baptist Hospital?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** In regards to the number of complaints, they will certainly be looked at. I think we should balance them against the significantly higher numbers of appreciation, as I said earlier, in a massive facility like this. But as we lead up towards the end of the contract, it will go through the tenders committee and there will be a re-assessment. This will go back to the complete tender and other facilities will have the opportunity to submit their requests. And as the team did originally they will have the assessments done on all the others—whoever submits the tenders.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** In view of the high cost of overseas referrals, I think the recent government accounts showed like \$14 million to \$15 million outstanding in costs still owing to government, and in view of the advanced facilities now available at the Chrissie Tomlinson Memorial Hospital, can the honourable minister say whether any attempts have been made for co-operation between the George Town Hospital and that facility in relation to referrals that may not be properly handled—where the facilities are not available at the George Town Hospital but where such facilities may be available at the Chrissie Tomlinson Hospital?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** That is a good point and I am pleased to say that there is an ongoing dialogue in regards to this. As a matter of fact, just about two weeks ago I spoke with Dr. Tomlinson and he was very pleased with the progress that was being made in the co-operation toward excellent provision of health care for Caymanians here.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** As the minister said, the contract for the Baptist [Hospital] was given on the basis of competitive tendering process, and that they have had six complaints about nursing and physician care and three related to finance.

I would hope that the tendering process would take all the hospitals that were tendered in South Florida the first time contracts were given out, and to ask the minister, if they are working on that now to pay close attention to the fact that institutions like Cleveland Clinic give quite a bit of problems with elderly people moving to and from Miami Airport up to North Fort Lauderdale.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Yes, Mr. Speaker, just to give an idea of some of the things that are looked at when the Tenders Committee uses the matrix which evaluates the hospitals which are tendering on such things as physical facilities, diagnostic services capacity, quality of staffing, willingness to assist with continuing education, accommodation for relatives—and this is the pertinent point—the distance from the airport and also the ground transportation. It is really a detail perspective that they look at in making their selection.

**The Speaker:** If there are no further supplementaries, that concludes Question Time for this morning.

Moving on to Item number 4 on today's Order Paper, Other Business, Private Members' Motions. Private Member's Motion No. 22/00, Revised Guidelines for the Award of Government Scholarships. Debate continuing.

The Honourable Minister for Education, Aviation and Planning.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 22/00

##### REVISED GUIDELINES FOR THE AWARD OF GOVERNMENT SCHOLARSHIPS

*(Continuation of debate thereon)*

**Hon. Truman M. Bodden:** Thank you, Mr. Speaker.

The revised guidelines for the award of government scholarships that I dealt with yesterday were done by the Education Council of which I am chairman. I would like to make it clear that I obviously support the guidelines that have been produced by the Council.

I think it was in May or June of this year that the Education [Council] appointed a sub-committee to study the present guidelines in more depth and come up with recommendations. This sub-committee is chaired by Mrs. Marjorie Ebanks, who is an outstanding educator and who is the longest serving member of the Education Council having served some twenty-odd years. Plans are that the committee will go into the scholarship guidelines generally—not just this area—and will come up with recommendations to the Council. So, having said that, I support the revised guidelines. I think I should mention that they are being reviewed. I am sure that the views of this honourable House will play a prominent part in the final amendments to the guidelines.

The present guidelines have served us well, but many things have changed since they were first developed some twenty years ago. There have been amendments but there are areas that have to be revised, for example, the application form that relates to the scholarship itself. It is hoped that the findings of this committee will then be incorporated into a revised Education Law which is now being worked on and in fact drafting instructions are ready for comment by the Education Council and others on this very important law.

Mr. Speaker, I have to disassociate myself from any comments that the present guidelines were unreasonable, restrictive, or cater to the academic elite. The present Education Council as many councils before them, is an exceptional group of individuals who work unbelievably long hours to make sure that the best interests of our students are served.

The Education Council has set and maintained standards and these standards are applied across the Board. I would like to take this opportunity to thank the current Education Council, each and every member, for their commitment and hard work, and to say that it has been a privilege working with them.

Mr. Speaker, most of the resolve sections of the motion are already in place. For example, in the first resolve, students from Cayman Brac and Little Cayman are awarded \$12,000 per annum to attend local institutions in Grand Cayman. Students on Grand Cayman have been awarded \$7,500 per annum to cover not only tuition and books but to help with a small living allowance. Many of our fulltime students work part-time and the Council felt that giving a personal allowance of \$500 per month could relieve some of the pressure on students to be studying and working at the same time.

The reason I can accept this motion is that it requests Education Council to consider certain things. As honourable members know, the Education Law 1983 gives the Council the right and responsibility to make guidelines. So, these resolve clauses can really only legally be made by the Education Council and therefore are suggestions from the House.

Resolve two is not totally clear. Yesterday, sir, I read out those categories of students who are awarded four-year scholarships from the beginning and I set out that a student who has outstanding academic results or a high SAT score, if admitted to a highly competitive or above, university, then they are eligible to go overseas immediately if they so wish.

For those students with lesser academic credentials—and I am telling this as it is—every effort is being made by the local Community College and the ICCI to encourage students to study for their associate degree.

I would like to mention that whether or not we have a marketing manager, this year there are 313 students enrolled locally for the associate degree at the Community College. That is a very significant number. And, even more important, is that half of these 313 students are adult students who have been given a chance. These are students who may not have the normal requirements or qualifications for entry to the college, but as mature students they are basically given a second chance at education.

This is what education in this country is all about. It is not just restricted to the College for students who are out of school with a good academic background, but adult students who may have missed or did not have that opportunity when they were growing up now have a second chance at the Community College, at the International College of the Cayman Islands (ICCI), and the Law School, if they wish to go on. In fact, several of the students at the Law School are students who are married with children and who really could not leave, anyhow, to go abroad to become lawyers—that noble profession!

*[Members' laughter]*

**Mr. Roy Bodden:** Mr. Speaker, teaching is a noble profession, sir, not the law!

**The Speaker:** He said that—

**Hon. Truman M. Bodden:** Mr. Speaker, I agree with that too. I am in an agreeing mood today, sir.

**Mr. Roy Bodden:** Lawyers make the money!

*[Members' laughter]*

**Hon. Truman M. Bodden:** I figured that I would get a bit of humour in the more serious side.

So, what does this sum up to? The Community College has, in fact, sold its services and its programme and in a few minutes I will read their enrolment statistics for this academic year. In other words, students do not have to have a 950 on their SAT to study for the associate degree at the Community College. It is open to mature students. I want to keep stressing this because this is something that is important to this honourable House: 313 students are there and half of them are mature students, many of whom would not get a chance to try. As the honourable mover said that is the purpose of college.

I am saying that with half of its student—313 are a lot—half of those are mature students. We are reaching the public generally and giving them a second chance at education. Everyone should have that right, and the College gives everyone that right.

Mr. Speaker, this whole House should be very happy because the number of scholarships that have been given out during the eight-year period that these members here have been involved, far exceed anything prior to that. Every student who wants to continue studying, and who comes up with the necessary qualifications, gets a scholarship. And as I said yesterday, the money of this country cannot be better spent than educating not just our youth but our adults. Education is lifelong, as the noble Third Elected Member from Bodden Town would say. It is a lifelong learning process.

*[Inaudible interjection & laughter]*

**Hon. Truman M. Bodden:** In fact, Mr. Speaker, probably the only place we are really coming to with no direct up-grading training is the Legislative Assembly. When you think about it, we are not really practising what we preach in here. In fact, there is no qualification to come in here—period! And once you are in here there is no compulsion to do anything in that area.

Now, the other aspect was that the motion called for two categories of scholarships and already these exist: the local and overseas scholarships. They existed prior to the honourable member's statement in June.

What has come out of the reconsideration (which the mover of this motion, the Third Elected Member from West Bay, has raised) is that the funds for local scholarships were increased from \$2,500 per annum to \$7,500.

You should shake your head on this, Mr. Member, because as a result of your saying what you did, we increased from \$2,500 to \$7,500 per annum. I believe this suggestion also came from the Fourth Elected Member for George Town during his debate.

Mr. Speaker, yesterday I mentioned that I would not allow the Third Elected Member from West Bay to persist in his remarks about the president of the Community College. On two occasions, he has referred to Mr. Basdeo as 'empire building' implying that this is being done to the disadvantage of Caymanian students.

Mr. Basdeo's record of service in education in this country, sir, goes back to 1973, and it speaks for itself. I do not need to defend him because he has earned the respect and esteem in which he is held by the people of this country, particularly the young people whose lives he has positively influenced. However, I do not believe that the member should be unchallenged when making these wild accusations of empire building.

With regard to the College which Mr. Basdeo heads, it is one of the best [operated institutions] in government. No one has to wonder if we are getting value for money there. The audited accounts which I am about to lay in this session of the legislature together with the annual report, shows undisputedly the value to this country of government's Community College.

I would like now to turn to the statistics on college enrolment, but before doing so I would like to say that this country and I owe a great depth of gratitude to Mr. Basdeo, as president, and to the chairman and members of the Community College Council as well as to Mrs. Basdeo, my permanent secretary.

Mr. Speaker, yesterday the mover of the motion appeared to be saying that, yes, the college's mission had changed and he appeared not to agree with this change—from vocational to professional and liberal arts education. Well, the mover was right. The direction of the college has changed and I don't think that the member has been listening to me for well over the past four years because the college is giving the people of this country what they want. Here, sir, are the statistics from September 2000 to prove that.

On the vocational programmes, we have the accounting certificate which has a total of 14. The computing certificate has a total of 20; Construction technology—a total of 9; Hospitality certificate – 10; Electricity technology – 15, making a total of 68. Out of those—I need the member to listen carefully to this—52 are Caymanians and 14 are other nationalities.

Is the College helping Caymanians? Of course, it is. That is its main duty. It is fulfilling that duty and the mover of this motion should be proud that over the years he has been a part of this honourable House and, in fact, the early days of the group who brought this about over the years.

On the professional programmes, applied management practice has 21; foundation banking certificate 31; legal secretaries certificate 32; the banking diploma 25. A total of 109. Once again, 84 are Caymanians and 25 are other nationalities.

Are Caymanians benefiting? Of course, they are and they appreciate it. I mentioned earlier, 313 students with a course registration of 948. Many Caymanians have taken advantage of the evening classes. There are 19 courses offered with an average of 16 students per class.

So, are adults being allowed a second chance? Of course, they are—half of the 313 are adult students. Are Caymanians benefiting from the college? The vast majority of Caymanians are. And with 980 courses there can be no doubt that the college is performing well.

Mr. Speaker, the third resolve deals with the award of scholarship for students with no parental or other financial support. As you well know, this is always given very heavy weight in decisions and scholarships—those students are looked at and assisted throughout and I give the mover of this motion my undertaking as chairman that that will always be the case.

With regard to part-time scholarships, by all means, the Council may wish to look at this and reconsider it, but I would just like to mention the cost of the associate degree course works out to about \$150 per month. That is a significant savings.

Mr. Speaker, a lot of good comes out of everything. I would really like to thank the honourable mover and the seconder for giving me the opportunity to say so many

good and positive things about the college, and also, sir, to undertake as it is developing, to have a look at the areas that members here have concern. I will ensure that is done and as with the mover—and I know definitely the seconder—I have great pride in the education system of this country, in the system that relates to scholarships.

And I should say that I support this privately, because several lawyers have been articulated and passed through my law firm at a considerable expense and I do that very happily. As long as I am here I will ensure that the youth as well as the adults of this country get every chance and every opportunity to develop their education and skills to the highest level that they wish it to be developed. I will continue to support this House, granting scholarships to everyone, whether they are students out of school or adults, to continue their education.

Thank you.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I rise to offer my contribution to this debate because it deals with a matter which is close to my heart. I have remarked in here before that 'politics is my mistress, but teaching is my wife' and so this is close to what I would consider my 'wife.'

I am also happy to hear that the government has conveyed its intention of accepting this motion. That makes it much easier to debate and in this season of politics it removes much of what would have been adversarial and perhaps personal from the debate. I believe that we are on the right track. I want to say that much more needs to be done but certainly there is reason to be encouraged by the direction that education is taking in the country. While it is not responsibility nor obligation to single out anyone for credit, there are many persons some of whom are paid to do what they are doing and numerous persons who are not paid but are still contributing by virtue of the fact that they deem it a societal obligation to contribute to the development of education in this country. I offer them my congratulations and my encouragement for their continued efforts.

The business of education and training is the basis on which the Cayman Islands will advance and succeed. Certainly, there can be no better pillars on which to build our society. I would encourage all of those, not necessarily the young, but also those people who are older—or as we term them in the world of academics mature students, mature persons—to take advantage of any education and training from which they can benefit because education is the great equaliser. It is the one tool that affords many people to overcome shortcomings of birth, of status in life, of deprivation and even physical handicaps.

I believe that the Community College has a place in the Caymanian society, as much as I believe that the International College of the Cayman Islands has a place in the Caymanian society. I still live with the somewhat forlorn hope that one day someone can realise that these institutions need not be mutually exclusive but should be complementary to each other, and thereby narrow the

gap and exploit and explore the common grounds which exists between the two institutions.

Mr. Speaker, it gives me a thrill when I see Caymanians taking advantage of the educational opportunities within the country and for a small country we are doing well. As I said before, there are areas in which we can make substantial improvements and I hope when the next government comes to power after November 8<sup>th</sup> that we can begin to do this. But in the meantime, we have to give credit.

Now, when we were debating some time ago about the merits of referring students to the Community College instead of allowing them to go to foreign colleges and universities, the minister gave as one of his reasons the fact that some of these students are very young. It was thought that they would best benefit by a learning environment close to home. There were, of course, counter arguments, one of which was the fact that education in its broadest sense has to take into account the fact that those being educated must be exposed to a variety of experiences including the ability to meet and socialise in environments other than those from which they were born and grew up in.

Mr. Speaker, there were merits to both arguments and all of the points raised had some advantages to them. I want to say, however, that one of the difficulties I find particularly as it seems that it is on the increase now, is the fact that many people are coming to view education as a strictly personal priority and a strictly personal acquisition. In the sense that they view it purely as a means of enabling them to improve their station in life and improve their personal wealth with no concomitant obligation or responsibility to put something back into the society from which they come and to help those who are less fortunate than they are.

Mr. Speaker, to my mind this is a significant point not only from the point of view of an educator speaking about education but from the point of view of a person who came from a society which was small, which had limited financial resources on which to expend on their sons and daughters. I think that scholarship holders have an overriding responsibility when they have completed their education and training to give something back to the community, and not necessarily see it as an achievement for which they take all the credit and which they succumb to the temptation of viewing it purely in selfish terms. That is why I am interested in institutions, which build character.

There is an organisation in the United States called the John Templeton Foundation which gets its name from a financial investor who set up this foundation to promote not only character-building but a sense of filial piety and a sense of societal and community responsibility in people who access college and university education.

This foundation puts out a book entitled *Colleges that build Character*, and in the United States, there is a list of these colleges that develop the characters of students. Some of them are small colleges. Some of them are perhaps a little larger than our Community College

and ICCI. But what is important, distinct and different about these colleges, is that they take students' personalities and mould them through a series of experiences: spiritual, societal, communal—learning experiences that mould them into productive utilitarian generous persons.

I believe that the two institutions that we have, the Community College and ICCI can use those kinds of models to develop their learning, their curriculum, their campus to inculcate this kind of responsibility in our students. Because in a small society it is of critical importance that those who have access to the advantages also have some kind of obligation and overriding responsibility not only to uplift themselves but also to share their experiences with those and encourage those who are less fortunate and less able.

Mr. Speaker, it is time that we review the guidelines and I am happy that the minister has undertaken that responsibility. I spoke about some areas that I think the Education Law needs to change prior to this. This is a glorious opportunity to inculcate these changes and to make a modern instrument which will guide the award of scholarships and bursaries in the future. I notice that every time the minister spoke of the Community College, in the same breath he also spoke of ICCI. There is still one serious obstacle in the way of the growth and development of ICCI and that is the failure of the government to give it the recognition I think it deserves.

Mr. Speaker, scholarship holders and bursary awardees particularly those who go abroad should be free from the bondage of having to return to work for the government in every instance and should be allowed the choice to work wherever they can find employment in the Cayman Islands even if that means working for themselves. I think this is one area in which the guidelines should reflect the modern trend.

I commend the mover and the seconder and I associate myself with the minister and all those others who hold the view that education is critical in the development and progress of the Cayman Islands as a viable, democratic and progressive society. I am pleased to give my support to this motion and to associate myself with all constructive efforts to provide training, education and exposure to Caymanians of all ages in our society. It is only by so doing that we are going to prosper and be viable, to respect each other and also to live in harmony.

In conclusion, I want to say that the need for education and training, and educational exposure has been realised by Caymanians for many generations dating back to persons like you who were of a maritime nature. I vividly recall those of our men whose only qualifications and educational exposure led them to the sea. I remember listening to many of them predicting that a time would come in the Cayman Islands when it would not only be necessary for men to acquire the knowledge to be capable master mariners and maritime engineers but also to be managers and technicians and leaders who worked on the land.

So, in supporting this motion I want to give credit to those people who are so often overlooked and who were the front line of those who made the sacrifice and gave



of their time, even though many of us now think that their abilities and capabilities were limited. It is on this foundation that we have to build as we try to link the past with the present in order to propel us into a significant and successful future.

Thank you, Mr. Speaker.

**The Speaker:** The floor is open to debate. Does any other honourable member wish to speak?

The Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** Thank you, Mr. Speaker. I rise to offer my contribution to Private Member's Motion No. 22/00, Revised Guidelines for the award of Government Scholarships.

We all know we live in a world today where nothing comes without a cost and that includes obtaining a university or a college degree. Today, the opportunity to receive that degree is pretty much offered on a golden platter, as the mover of the motion, the Third Elected Member for West Bay, elaborated yesterday. Government has been extremely generous in making these scholarships available to those students wishing to further their education and I say rightly so.

In fact, government has spent millions of dollars on scholarships. Any student who has the drive and ambition to take that step in seeking a higher education should be afforded the opportunity. I know first hand from some people who try to undertake this financial burden on their own. They do find it extremely rough financially therefore any help received from Government is always appreciated. Mr. Speaker, in today's day and age if one does not have that piece of paper in hand it is much more difficult for one to be hired and given a fair chance in the work place.

In my role as the Miss Cayman's chairman I find it so rewarding to have young ladies enter the pageant with not only beauty but also intelligence. That is due to many of them having the opportunity of spending time at colleges and universities. Having that opportunity now affords them the chance of entering knowing full well they can represent their islands to their fullest.

Also, as a person who has our youth at heart, I am constantly encouraging school leavers to further their education. Cayman can only be the richer for it.

Mr. Speaker, I give this motion my full support. Thank you.

**The Speaker:** Does any other member wish to speak? The floor is open to debate.

The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, the importance of an education in this day and age—a college education—cannot be stressed too often. I am happy to see that there is a community college on this island.

One reason why I am pleased that we do have a community college that is doing so well is because I started off my college education at the Borough of Manhattan Community College in New York, USA. There

seems to be—and there was at that time when I started my college education in the United States—the kind of feeling that somehow a community college is an inferior higher education institution. The only way that we are going to get away from that stigma is after we have proven that in the step up the ladder—the step up towards achieving a bachelor's degree or a master's degree or a PhD. The two years one would spend acquiring an associate degree are very important indeed—especially for persons who were not as academically successful during the high school years.

I feel that Caymanian parents and students alike need to be encouraged to use the very wonderful facilities that we have at our Community College here. I, along with someone in the private sector, provide money for a student to attend the Community College.

I was called one day by that young lady's mother. She was concerned that her daughter could not find employment because most places she went they decided that not only was she too young but she had no experience and no qualifications to do anything. We know the simple job of filing and being a messenger is being removed more and more from the corporation sector. So, as a result the young lady decided there was no hope for her finding a job, no hope for her attending college or university. I spoke to the mother and said, *'What about the Community College? Has she tried?'* The young lady said that she had not really thought about it. I picked her up and drove her to the Community College, found out what was going on there, found out that she was more than qualified to enter the Community College. We decided that we would pay her book fees, her tuition and we would give her \$100 per week.

Mr. Speaker, this is the same thing that happened in my life. All I was doing was repeating something that had happened to me. I graduated from high school with an average of 69 point something—very low indeed. And I really struggled very hard to achieve. I was a part of what they called a college discovery programme, realising that there was such a thing as late starters. The Community College provided that perfect bridge for persons that were late starters.

So, I believe in the Community College so much that I was able to point this young person in the right direction and thank God that the Community College was there in order that this miracle could take place. She has regarded this as a miracle.

Now, the young lady did not pass all her courses she had some problems with one, but when she repeated it, she got an 'A' grade. So she was able to complete the first year; she is beginning the second year and I know that she will be successful.

We also had a case where a Linda McField graduated from the Community College with very high grades and I think she is now in England pursuing her studies. So, we grassroots people—I mean, people from lower income backgrounds where parental education might not be as good as it is in the upper income families that the Community College is a great place to begin higher education.

So, I see what is meant by the motion. I see what the Minister of Education has tried to stress, in particular, by showing us the good results the Cayman Islands Community College has been able to achieve. Whatever scholarship money can go towards assisting persons who attend the Community College, whether or not they are young adults I am willing to support it.

Thank you very much.

**The Speaker:** The floor is open to debate. Does any other member wish to speak? If no other member wishes to speak, does the mover wish to exercise his right of reply?

The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Let me start by saying thanks to all those members who participated in the debate and the positive contributions that they offered.

Mr. Speaker, the Minister of Education had lots to say and continued to defend his position and the position of the Education Council and the Community College and the works.

Let me make it abundantly clear from the beginning that this is not personal: Sam Basdeo, Joy Basdeo, it does not matter. I still continue on a social basis to speak to those persons. I have a relationship with them. It is nothing personal but let me also mention that I am not here involved in any popularity contest. By that, I mean, I don't bring issues or deal with issues on the basis of whether or not I am going to be liked or supported. I bring issues that I know affect our people and whether or not those things are positive or negative I deal with them as objective as possible and without any apologies.

Now, the minister did a lot as far as supporting and defending his staff and that is his right. You know, Mr. Speaker, I also have a staff, but our management styles are little different, in that my staff understand that I will go to the end to defend them if they are doing what is right. But they also understand that if they don't take care of the business I am prepared to deal with them.

Now, the Minister of Education did mention that he totally supported the revised proposed guidelines that were put forward on behalf of the Education Council. Just for the record, let me refer to what he is talking about. The revised guidelines basically said effective September 1999, only two-year scholarships will be offered for overseas study with the following exceptions:

1. Students with seven (7) University of Cambridge or the equivalent passes.
2. Students with seven (7) CXC passes.
3. Students with a combined score of 1300 on the SAT exam.

Mr. Speaker, with regard to the first two, Seven subjects at GCE, GCSE or IGCSE passes or, the CXC seven passes, my question is: How many students on average take seven or more subjects in the overseas examinations? The Council is saying they now require

seven; the old guidelines said five. I believe the five are very reasonable.

The other point that I want to make—and I am not sure if the Education Council or the minister thought of this: Number 3, **'Students with a combined score of 1300 on the SAT exam'** basically discriminates against, and eliminates any student graduating from a private school to qualify for a government scholarship. How many?

First of all, those schools do not offer the GCE/CXC exams so they cannot qualify through that avenue. How many students do you and I know applying for government scholarships graduating from private schools achieving SAT scores of 1300? So, as I interpret it (and I think I am entitled to my interpretation like everyone else) that particular revised guideline seriously discriminates against any graduate from a private school in this country.

The minister says he totally supports the revised guidelines. He also mentioned that there is a sub-committee now looking at the revised guidelines with the objective of perhaps bringing them back to Executive Council and the *new* requirements put forward in the revised Education Law. I have been here twelve years and for the last eight I have heard about a revision to the Education Law—when is it coming? How far on has it gotten?

The other question I have is—and you are a member of the Education Council—Has the Education Council been privy to the proposed revisions to the Education Law?

**The Speaker:** It is under review.

**Mr. John D. Jefferson, Jr.:** Good! When can we as Members expect it to be presented to this House for our consideration?

The minister went on to say that he did not agree with the Whereas in my private member's motion which reads—let me read that for you and offer my comments: **"AND WHEREAS it is felt that the guidelines are unreasonable, too restrictive and would only cater to the academic elite of our society and would deprive most applicants from qualifying from qualifying for a government scholarship to pursue a university or college education overseas . . ."**

I still contend that to be the situation with regard to the revised proposed guidelines presented to us some time ago in this honourable House.

He went on to boast of the enrolment of 313 students in the associate degree programme. That is commendable. I am glad to hear that. I do not know if he is trying to insinuate that I do not support the Community College; nothing is further from the truth. He went on to say that of the 313 persons who enrolled in the associate degree programme, half of them are adult students. I said yesterday that is one of the advantages of having a community college where people, in particular responsible adults who work fulltime, still have an opportunity to

attend evening classes in order to further their education. I applaud them and I am glad to hear that so many people are taking advantage of those classes that are offered by the Community College.

The question I have in relation to that is, How many are attending those classes with government financial assistance? One of the recommendations put forward in my motion is that government *consider* even assisting those persons who are attending the Community College or any academic facility in this country on a part-time basis. He went on to say that it cost him like \$125 or \$150 per semester in order to do it. Mr. Speaker, even \$150 is hard for some persons in this country to find to contribute towards the expense of their education. I believe that if we had a policy in place where persons who desire to study but do not have the financial ability to do so could apply to government for assistance it would encourage more adult persons to take advantage of what is being offered locally, academically.

He says that, *yes, the objectives of the college have changed and I could not have been listening over the past eight years to what he had to say* because he had mentioned that change. The question I have to come back with is this, It has changed, yes, to meet some of the needs of the community, but what is being done to now address the gap—the demand in our society for Caymanians with vocational skills training?

Mr. Speaker, he also went on to say that the Community College is doing a lot to meet the needs of the local community. I hope so. That is the objective for which it was established and if it were not doing that it would not continue to have my support. So, I can appreciate the position that the minister is in and his loyalty to his staff and the president of the Community College. I don't have a problem with that. But do not give the impression that I am attempting to do anything that is not right for the people of this country and that I don't support the local academic institutions that we have here.

I think yesterday the minister in his comments mentioned that one of the substantial consideration for the revised policy of requiring students to attend a local academic institution for two years as part of their conditions for government scholarship was the cost. The Education Council was so concerned about the financial cost of education to government. You cannot talk out of both sides of your mouth!

On the one hand, you are talking about that and it was not long before that when I saw headlines on the front page "New Agreement reached with the University of Miami."

Mr. Speaker, you and I are both aware that the University of Miami is one of the most expensive academic institutions in the United States. We could have gotten much better value for money if we had shopped around, and taken advice from other people who have some experience in the academic field as far as choosing an institution that would have been in a position to offer that service—that is, training locally for persons who want to pursue a qualification in education.

So, that was thrown up as a 'red herring.' We are so concerned about what we are spending on education that in order to save money we are going to require all students to attend the Community College or ICCI for the first two years.

Do you know what is a reality? I remember one of the applicants who applied just recently for a government scholarship (she eventually got her scholarship), enquiring at the Community College as to the number of courses that were available to her in her specific chosen field of study. I think she was required to do something like ten courses in the first year—the Community College only offered one.

So, it would have been a total waste of time and money to have required that student to attend the Community College here in the Cayman Islands for the first two years—a total waste of time for that to have been a requirement. Contrary to what the minister or even members of the Education Council may consider or believe, a lot of students start their major courses of study in the first semester at university—not two years after they have been there, like what is being assumed.

Mr. Speaker, we are so focused on the idea in this motion and other motions that have been brought recently on this issue of education overseas. But, you know, I was a little alarmed and concerned—I think, it was just this week or last week there was a headline in the paper that said "**CEO explains why 25% of students don't graduate from the Cayman Islands High School**" [The now John Gray High School] Mr. Speaker, 25%, and then it is said that the education system in this country is a very good one? Many of those students come out and they don't even have a high school leaving certificate! Do you know what those who are in charge comfort themselves with? *'Well, even though that person is coming out with nothing out of High School he can get a job locally.'* Get a job doing what?

A percentage of our students take a while to mature academically. Right now, I am aware of one or two former students who had problems when they were in High School.

## POINT OF ORDER

### *Relevancy*

**Hon. Truman M. Bodden:** Mr. Speaker, on a point of order, relevancy.

**The Speaker:** Let me hear your point of order, please.

**Hon. Truman M. Bodden:** The member has gone into an area dealing with school leavers. That is a totally different area that I really had no opportunity to speak on. It is a totally new area and I don't see how it is relevant—the depth he is going into—to the present motion, sir.

**The Speaker:** I have to agree. I have been listening very carefully and I have to agree that is a valid point of order.

Please confine your reply to the motion in front of you.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, with all due respect, the relevance that has is that the Education Council took the decision to revise the guidelines for qualifications for government scholarships. They raised the bar without taking into consideration the results; that is the relevance.

The requirements—if you are going to require me to have more you must give me more. But when you talk about 25% of your graduates from High School don't even have a high school diploma, one does not make sense in relationship to the other. However, I will move on.

**The Speaker:** I suggest that you may place a substantive motion to that effect if you desire, but please do not continue with that vein of thought.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, I would be glad to do that.

Mr. Speaker, the minister said in very kind words that the motion was basically unnecessary because we have guidelines now for local scholarships and we have guidelines for overseas scholarships. This request is for the Education Council to establish and look at revising the guidelines to make them, should I say, as fair and equitable as possible so that a majority of the students in our country who have a desire and ability to go overseas or otherwise be considered for a government scholarship.

There is no reason why, once the guidelines have been revised and agreed upon, a little professional brochure could not be put together outlining what those requirements are for a government scholarship, outlining what the requirements are for an overseas scholarship, in black and white, so students and parents alike know what the rules are up front.

Much has been said about even revising the application for government scholarship . . . because I have gone through a number of them—I am quite sure you have done the same—and because of the irrelevance I have seen on the application, it is time it is revised. Let us get on with doing what is necessary, what would encourage and what would make it easier for our students to get education in this country.

I am pleased to hear the minister say that as a result of my request the amount for a local scholarship was raised from \$2,500 to \$7,500. That is positive. He, the minister, listened and the Education Council listened, and I applaud them for doing such a good job in that area.

Mr. Speaker, believe you me, my genuine concern is only one thing. Do you know what it is? Making it as easy as possible for as many as possible of our students and Caymanian people who have the ambition to do so, to be in a position where they can further their education. I don't get hung up on personalities. I don't get hung up on trivial things like calling people names—that is not my style. I deal with the facts. I deal with those issues that I feel that I am obligated to deal with. Unfortunately, for

some people my style is a little different from others and in the process I might have to step on a few toes but if that happens, so be it. There are no evil intentions or ill feelings on my part towards anyone and I want to make that abundantly clear.

I trust now that since this issue has been debated again that Education Council and the minister will make note of those things that have been offered and get on with trying to put together reasonable and fair guidelines for the award of government scholarships—locally, as well as overseas. One point I want to make is that in considering local scholarships I don't believe that term should be limited to two years.

The Minister boasts of the number of adults who are attending evening classes in order to further education. I am not only talking about the Community College. I am also talking about the Law School and the International College of the Cayman Islands, four-year institutions in most cases. Why should government say, 'Okay, we will fund it the first two years and after that you are on your own?' Extension of the local scholarship should be considered for at least four years.

Mr. Speaker, the Minister of Education and I are still good friends—he did what he had to do and I did what I had to do, but at the end of the day we will still go in the Common Room and have lunch.

Thank you, sir.

**The Speaker:** I shall now put the question on Private Member's Motion No. 22/00. The Resolve section is quite long so I will not read it. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The motion is passed.

**AGREED: PRIVATE MEMBER'S MOTION NO. 22/00 PASSED.**

**The Speaker:** I think this would be an appropriate time for lunch. We shall suspend proceedings until 2.15 PM.

**PROCEEDINGS SUSPENDED AT 12.49 PM**

**PROCEEDINGS RESUMED AT 2.36 PM**

**The Speaker:** Proceedings are resumed. Honourable members in accordance with Standing Order 12(3) I have authorised the Elected Member for North Side, with the will of the House, to make a statement concerning scholarships.

The Elected Member for North Side, before doing so would you just move a motion and then we get the leave of the House?

**SUSPENSION OF STANDING ORDER 12(3)**

**Mrs. Edna Moyle:** Mr. Speaker, I move a motion for the suspension of the relevant Standing Order 12(3) to allow me to make a brief statement on the scholarship.

**The Speaker:** Secunder—The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you, sir.

**The Speaker:** The motion has been made and seconded that in accordance with Standing Order 12(3) the Elected Member from North Side be allowed to make a statement concerning the Ironwood Scholarship Fund.

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

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 12(3) SUSPENDED IN ORDER TO ALLOW THE ELECTED MEMBER FOR NORTH SIDE TO MAKE A STATEMENT.**

**The Speaker:** The Elected Member for North Side, please continue.

#### **IRONWOOD SCHOLARSHIP FUND**

**Mrs. Edna Moyle:** On behalf of the First Elected Member for West Bay, Mr. W. McKeever Bush, MLA, JP; The First Elected Member for George Town, Mr. D. Kurt Tibbetts, MLA, JP; The Third Elected Member for Bodden Town, Mr. Roy Bodden, MLA; and myself, the Elected Member for the district of North Side, I wish to make the following statement:

In 1999 at the time when the salary increases of Members of the Legislative Assembly were announced we said that we believed that the large increase was not justified. We pointed out the need at that time for members of the Caymanian community to be educated and trained in technical and vocational skills particularly in light of anticipated changes in our national economy brought about by international development such as the OECD initiatives.

We pledged to establish a scholarship fund to receive donations out of our salary increase for these purposes. Since that time we have worked closely with CIBC Bank and Trust Company (Cayman) Ltd. and their attorneys, Maples and Calder, to establish such a fund. I am pleased now to announce that the Ironwood Scholarship Fund has been established. It takes the form of a Cayman Islands Trust with CIBC as Trustee. It has been funded by the four of us. To date, no other persons have contributed to it although we would like to thank Maples and Calder, and CIBC for their assistance throughout which they have rendered at no charge.

The fund has a scholarship board that will decide on scholarship awards. It will consist of five individuals, at least, three of whom must be Caymanians. There will also be a selection panel whose function will be to elect

replacement members of the scholarship board as each member retires. The majority of the selection panel will consist of representatives from the following local associations and institutions chosen to represent a cross-section of community interests and technical assistance.

1. The Cayman Islands Ministers' Association
2. The George Hicks and John Gray High Schools
3. The Society of Trust and the State Practitioners
4. The Caymanian Bar Association
5. The Cayman Islands Bankers Association

It was always our intention that the fund would solicit contributions from the public, both from businesses and individuals. In that regard the trustee CIBC has written to the Financial Secretary through their legal counsel, Maples and Calder seeking formal consent from the Executive Council for them to be able to make such solicitations, or in the alternative specific confirmation that no such formal consent is needed. At the present time, I understand they have not heard back from the government. Once they have, the fund will be launched to the public.

Thank you.

**The Speaker:** Moving on to Private Member's Motion No. 21/00, the Establishment of a Student Summer Employment Agency.

The Third Elected Member for Bodden Town.

#### **PRIVATE MEMBER'S MOTION NO. 21/00**

##### **ESTABLISHMENT OF A STUDENT SUMMER EMPLOYMENT AGENCY**

*Deferred*

**Mr. Roy Bodden:** Mr. Speaker, on a matter of urgency I would request, sir, because the seconder has to be away as a result of an urgent matter that this motion be deferred and that we deal with some other business until the seconder can return.

**The Speaker:** Would you put that in a formal motion, please?

**Mr. Roy Bodden:** I respectfully beg to move that the relevant Standing Order be waived so that this motion which was scheduled to be taken at this time be deferred and in its place another motion as a result of the seconder having to leave rather urgently.

**The Speaker:** Do you have a seconder? The Elected Member for North Side.

**Mrs. Edna Moyle:** I would like to second that motion, sir.

**The Speaker:** The motion is made and seconded that Private Member's Motion No. 21/00 be deferred to a later sitting. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The motion has been deferred.

**AGREED: PRIVATE MEMBER'S MOTION NO. 21/00 DEFERRED TO A LATER SITTING.**

**The Speaker:** Moving on to Private Member's Motion No. 17/00, Government Financial Assistance and Low Cost Housing to be moved by the Third Elected Member for West Bay.

### **PRIVATE MEMBER'S MOTION NO. 17/00**

#### **GOVERNMENT FINANCIAL ASSISTANCE FOR LOW COST HOUSING**

**Mr. John D. Jefferson, Jr.:** I am pleased to move Private Member's Motion No. 17/00 entitled Government Financial Assistance for Low Cost Housing. It reads as follows:

**"WHEREAS the Cayman Islands boast of unprecedented economic growth and prosperity and a standard of living unparalleled in the region;**

**"AND WHEREAS with this prosperity has also come a high cost of living which has caused extreme hardship for a large number of our people for affordable housing who fail to qualify for mortgage financing from the commercial banks due to insufficient income and the high interest charged;**

**"AND WHEREAS it is felt that affordable housing must be addressed as a priority in this country;**

**"AND WHEREAS it is felt that Government should take the lead in this area;**

**"BE IT NOW THEREFORE RESOLVED THAT Government considers assisting with affordable Low Cost Housing by making an annual contribution of \$1,000,000.00 in its Budget and, because of its experience, have the mortgage programme administered by the CICSA Credit Union with preferred interest rates."**

Mr. Speaker, with your permission, sir, I have circulated an amendment to that particular motion and I think it would probably be good for us to move that amendment at this stage so that we can deal with the motion at one time and finish.

**The Speaker:** You may. I waive the two days' notice required.

**Mr. John D. Jefferson, Jr.:** The amendment says, "In accordance with the provisions of Standing Order 25(1) and (2), I, the Third Elected Member for West Bay, seek to move the following amendment to Private Member's Motion No. 17/00, entitled "Government Financial Assistance for Low Cost—

**The Speaker:** Can I stop you for just one moment? I need a seconder for your original motion.

The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I beg to second that motion.

**The Speaker:** Private Member's Motion No. 17/00 has been duly moved and seconded. You may continue with your amendment.

#### **AMENDMENT THERETO**

**Mr. John D. Jefferson, Jr.:** Yes, thank you, Mr. Speaker. ". . .entitled "Government Financial Assistance for Low Cost Housing", as follows:- **By amending the Resolve clause of the motion by deleting 'CICSA Credit Union' and substituting therefore 'Agricultural Industrial Development Board (AIDB)."**

**The Speaker:** Do you have a seconder to the amendment? The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I second that amendment.

**The Speaker:** Does the House wish to debate that amendment? I shall now put the question on the amendment. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. Private Member's Motion No. 17/00 is duly amended.

**AGREED: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 17/00 PASSED.**

**The Speaker:** You will now speak to Private Member's Motion No. 17/00 as amended? The mover, the Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. The motion, as amended, calls for government to look at making an annual contribution of a C\$1million in its budget for the purpose of making funds available for affordable low cost housing.

Mr. Speaker, the reason for the amendment . . . I did consult with the minister responsible and he indicated that government would be happy with AIDB handling it rather than the Credit Union because the Credit Union has some distinct restrictions, in that unless you are a civil servant or related to a civil servant then you are not qualified for consideration. AIDB has the experience as well and deals with a lot of financing and for that purpose I had no problem with agreeing to that particular amendment.

I must say that over the last eight years this country has experienced a boom in development that has been

in my opinion unprecedented. As a result of that there is much activity going on in all sectors of the economy. We still basically boast of full employment in that people can still find a job, those who are willing and able to work, to support themselves.

We also boast of enjoying one of the highest standards of living of any territory in the region and that is well and good. I believe sometimes that we are not in a position where we can really appreciate what we have here until we have had an opportunity to visit some other places that do not share the same level of economic and financial success. But that growth, that boom, that economic activity has come at a cost and one of the costs that has really been felt by our people is the ridiculous increase in the cost of construction in this country.

I will give you an idea of what I am talking about, Mr. Speaker. I was fortunate enough to obtain my mortgage financing in 1975 and I built a 2,600 square feet three-bedroom home for C\$30,000. My oldest son, Dwight, is in the process of constructing his home, the same size. We sat down with the architect the other day, who is a personal friend of ours, and I have no doubt that he would do an exceptional job and would look out for us but he said, '*Gentlemen, you are looking at a minimum of C\$250,000.*'

Mr. Speaker, a house that cost \$30,000 in 1975 (25 years ago) now basically costs \$250,000. Unfortunately, what has happened to us is that we as private citizens have to compete with the condominium developers and the others who demand labour for construction. As a result of that we are paying top dollar today for housing in this country.

Mr. Speaker, as you are aware, I am at my MLA Office in West Bay twice a week, Tuesdays and Wednesdays. It is amazing how large a percentage of issues my constituents who come to see me are faced with. The fact is they are not making enough money to qualify for consideration for mortgage financing from the commercial banks and some of them are paying \$800—\$1,200 for an apartment to rent.

Now, the majority of these people that I am talking about are hard-working Caymanians. The majority of them are single parents who have one to three children working hard. Some of them are working two jobs in order to try and make ends meet but find it impossible to realise their dream of owning a little home of their own.

Now, my colleague from West Bay, the First Elected Member, when he was in Executive Council and in charge of housing, I thought that he had come up with a very creative scheme to provide our Caymanians with an opportunity of owning their own homes.

That scheme consisted of the government guaranteed scheme where if a Caymanian applied to those banks that were part of the programme for mortgage financing and qualified, then rather than having to come up with \$10,000 to \$30,000 out of his own pockets in order to meet the requirements, government would step in and say, '*If you are happy with this person as a client then we will guarantee that portion that you are saying is*

*required of them.*' This means that the person then qualifies for 100% mortgage financing.

In addition to that, the Legislative Assembly on a number of occasions has amended the Stamp Duty Law for Caymanians who are buying a piece of property with a value of up to, I think, \$50,000 for the purpose of building their first home. The government and this Legislative Assembly has done much to make the possibility of owning a home in this country, as far as our Caymanians are concerned, more of a reality. But there is a gap in our society with regard to housing. That gap consists of that group of persons who even under the present government guaranteed housing scheme do not qualify for consideration. I am talking about those persons who, for example, are making \$1,500—\$2,500 a month. Because of the high interest rate that is being charged right now—and I know for a fact that it is 12.5%, and in some cases, 13%—it eliminates a lot of people from qualifying for consideration.

I brought a motion recently calling for government to set up some committee to sit down with the commercial banks to see what could be done as far as reducing the interest rate that is charged to Caymanians for mortgage financing. I have not heard anything back on that. Maybe when the minister gets up he can say what is being done in that area. An example of what I am talking about is: if you are an employee of one of the commercial banks in town and you have been there for a while, you qualify for consideration for mortgage financing in those cases, I think, the interest rate is in the region of about 5% to 6%.

Now, if the commercial banks are in the position where they can offer their own staff mortgage financing at 5% or 6% but they are charging you and me 12.5% or 13% for our mortgages, to me that indicates room for improvement in the interest rates being charged.

I believe that if approached, the banks will do whatever they can do in order to make that interest rate more attractive. The thing that has to be understood by all parties who are part of this community is that we need to make a contribution back to society. That includes not only individuals, but also banks, the financial institutions in this country that do very well profit wise. It is going to take all of us working together to keep this country on the right footing. The financial institutions cannot take the position of being mercenaries, coming in here and just reaping the profits, and hoping that the society continues the way it is but makes no legitimate or responsible contribution to ensure that the way of life we enjoy in this country continues.

So, I believe that much can be done in that area if there is a genuine interest and I look forward to hearing what has been done in order to address this particular possibility. I am talking about the average working poor person in this country. Do you know what has happened? My colleague, the Fourth Elected Member from George Town has gotten a lot of flack about his position he has taken recently with regards to trying to defend the working class persons in this country—improving wages, the gratuity situation and the whole bit.

We have enjoyed prosperity in this country, but what is happening is that costs have gone up while incomes—our salaries—have basically stayed the same or have gotten worse. So, the purchasing power of our people cannot remain static because with the cost of living going up every year and wages or income remaining the same it means they get less punch for their dollar. My focus in this motion is on that group of persons realistically saying, *'Mr. Jefferson and other members, I am not looking for any 3-bedroom home with two baths and a double garage. I am looking for even a one-bedroom so that my three children and I can call our own.'*

Mr. Speaker, I had a young lady come to see me just recently at my office in West Bay and I was impressed with her approach to life. She is in the process of purchasing a piece of property which I think is going to cost her \$30,000. She is able to pay for it on a monthly basis after making a down payment. The developer whom she is buying it from is reasonable enough to say, *'Okay, once you make your down payment and start your instalment payments, you are then free to go and construct a little home on this piece of property for you and your family.'* Her attitude was *'I am not at this stage interested in hanging my hat any higher than I can afford and if it means that I might have to start with a little one-bedroom home made out of texture one-eleven with a concrete floor I am prepared to do that and as my financial position improves in life I will continue to add on or whatever.'*

Mr. Speaker, I said to her, *'You know, I appreciate your focus and your approach to life.'* One of the problems we have in this country is, because you can afford to own a 3-bedroom home [based] on your income, I might not be able to afford the same type of home based on my income. I must be realistic enough to realise that difference and, should I say, pursue the possibilities within my particular income. I believe as a result of some of our people trying to keep up with the Jones' we hear of situations where banks are taking away their homes because in the long run they are unable to afford the mortgage payments.

What I am asking for, is for government to consider . . . and I believe in most things government should set the lead. I think, this is an area where we could make a positive difference by providing on an annual basis in our budget a provision of, at least, \$1 million a year to assist those persons who have the desire and would be in the position to qualify for a mortgage of a lesser amount and a more attractive interest rate over a reasonable period of time.

Now, the motion as amended, calls for government to annually write a cheque, pass it over to the AIDB and say, *'Okay, here is our annual contribution towards low cost affordable housing. We want you to administer the fund and you charge an attractive or reasonable interest rate in order to be paid for your services.'* I am suggesting that this annual contribution be an interest-free loan, on government's part, to assist with low cost housing.

On an annual basis . . . because we are all politicians, Mr. Speaker . . . government's capital budget is

probably in the region of \$30 million to \$40 million, and sometimes the ridiculous figure is as high as \$45 million a year. For what? For services, roads, playing fields, parks and other things. Nothing is wrong with that but I think we can reduce that annual capital allocation by \$1 million and say, *'You know, we are going to set aside \$1 million out of this for low cost affordable housing.'*

Now, Mr. Speaker, I have been talking to a number of my constituents about my upcoming plan, and just last night one said, *'I welcome any suggestions because I don't know the answers, I am just trying to find a solution to the problems that we have.'* The reality is that we have to start some where and I don't know where the cut-off is. I don't know if we should say, *'Okay, let's limit it to \$60,000.'* I am not sure. I think we need to kind of weigh and maybe work from experience and say, *'Let's start from somewhere and work from there.'* This is an issue that has to be addressed in this country.

Mr. Speaker, about a year or so ago a young lady came to see me. She was married to a Caymanian and had two or three children for him. That young lady and her children were in a position where they found themselves sleeping in her car. They got up the next morning and drove to the nearest public restroom facility to wash up and head for school and work. We boast in this country of prosperity and wealth and have that kind of situation existing? We have to address those kinds of situations.

Another reality: I understand that between 12.00 AM and 6.00 AM if you go along South Church Street, the south terminal of the Port Authority, you will see many people making their homes there for the night.

In the last motion I mentioned that I am not here on any popularity contest—I leave that to the Second Member from Bodden Town who is Chairman of the beauty pageants and stuff like that. She takes care of that area. I have no interest in that area, none whatsoever. I am here to address needs and issues that are brought to my attention—issues that affect our Caymanians and residents in this country.

One pressing issue right now in this country is *affordable housing*—normally for female single parents. Recently, I accompanied one of those persons to Social Services to ask for assistance in the area of housing. I will give you an example of what I am talking about. Here is a young lady (who has a young daughter) working at one of the hotels probably making \$1,100—\$1,200 per month. Her rent is \$700 a month and because she has the little daughter and is a responsible parent she refuses to leave home in the evening to take a second job. She struggles. In the off season especially when hours are down and business is slow, she finds it impossible to make ends meet.

You know, there is an attitude that I don't share in this country. Do you know what that attitude is? *As long as I have, to hell with you and yours!* That is not my attitude. I feel good when I see a Caymanian doing well. I feel good when I see a Caymanian coming back from college with a degree. I feel good when I see a Cayma-



nian in a position where he is able to own his own home. It makes me feel good, Mr. Speaker.

I was telling one of my constituents the other day, 'You know something? The things I do I don't do strictly for politics. If I were not in politics and I was in a position to help you the way I am going to help you now (even though I am a politician) I would have done it anyway.' My motivation and the reward that I am looking for are not here. Do you know what happens? If you do good it follows you.

Mr. Speaker, I am hoping that government accepts this motion in the genuine vein and spirit with which it is presented. I look forward for the support of all honourable Members of this House for such a worthy consideration.

Thank you, sir.

**The Speaker:** Honourable members, before opening the floor to debate, I would like to say to all honourable members that in approving this motion to be placed on the Business Paper I took full cognisance of Standing Order 24(2) which reads as follows: "**Except on the recommendation of the Governor signified by a Member of Government, the House shall not proceed upon any motion the effect of which, in the opinion of the Presiding Officer, makes provision for imposing or increasing any charge on the revenues or other funds of the Islands . . .**"

I wish to state that I do not feel that the wording of this motion imposes any on the funds. It is simply asking for consideration to be placed in future budgets. That is the rationale of my allowing this motion to go forward.

The floor is now open to debate. Does any honourable member wish to speak?

The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** On the basis of what you have just mentioned with regard to the motion and the amount of \$1million being placed in future budgets, the government is happy to accept the motion.

It is reasonable to say that this is a very important issue today and for sometime. I would say that the motion brought by the Third Elected Member from West Bay and seconded by the Fourth Elected Member for George Town is quite timely. It is true that a past Minister tried his best and had something put in place that actually assisted a certain category of our people. But this category which is mentioned here in the lower income bracket is the area that needs urgent attention. It is not isolated to any one part of the island; it is something that is spread throughout the Cayman Islands.

I am pleased to be able to accept this motion on behalf of Government and we will do whatever is possible to try to assist our people who fall within this category.

As was pointed out by the last speaker, we do have some people who have their priorities mixed up. However, it is the duty of the Government to do whatever is possible to assist this category of persons and to see

that, especially where children are concerned, we do not have a situation that could place our country in the category that we see in other islands around us.

So, we are pleased to accept this motion and the member who presented this did mention about his suggestion in the previous motion of government trying to meet with the banks and securing finances. Well, there has been some action in that area and I was hoping that I would have some up-to-date information on it, however, the motion was brought on sort of sudden. But with what I have said, we on this side support this motion.

**The Speaker:** The floor is open to debate. Does any other Member wish to speak?

The Fourth Elected Member for George Town.

**Dr. Frank McField:** I am happy to have the privilege of being the seconder of this very important motion. The motion is important because it is calling for government to consider specific steps that would put funds in place that would then be available to persons I consider to be the 'working poor.'

There are a lot of people in this country that refer to themselves as poor people. They are poor not because they don't work or because they are disabled. They are poor because of sub-standard wages in this country and there is no clear leadership or direction on that level whereby people can co-op their different interests and talents in such a way as to have meaningful resolutions with regards to difficulties they are experiencing.

We find that lawyers are organised in Bar Associations and the day they want their fees to go up, or the day they want no more lawyers to come into this country is the day those things happen because they have the collective organisation to produce results. The working people we are considering here are in need, because as the mover of this motion said, *the cost of living has continuously risen in this country without any kind of increase in the wages that working people are given in order to support their families by providing shelter and food and clothing.*

The question of what a society does with regards to housing is an important question not just about the resources of the society but about the humanity of the society. The fact that we can be contented that there are persons among us who work the same nine hours, that are given the same 24 hours a day, by God, seven days a week, and yet they cannot earn enough to put a shelter over their heads. I find that to be a condition that is unacceptable.

Some of us are more shocked or upset by the existence of real poverty, severe poverty and disability. We are much more willing to say, *'Let's help those persons who are disabled; those persons who are not working; those persons who are unemployed and in some cases, people who refuse to compromise and adapt themselves to the demands of the workplace and the society.'* Some of us would help them before we would help a struggling mother who continues to work in order to put bread on the table because she is not considered in need as she

seems to be able to provide for herself and children what is needed for day to day existence—food and water.

This country does not have the financial resources to be able to solve all of the questions with regards to poverty that I would like to see addressed. I have to be realistic therefore in saying that if we are not going to pay for solutions, we cannot have solutions. Obviously, a country that has traditionally collected revenue by indirect taxation causes a burden on the 'working poor.' We cannot expect that we can solve the problems by increasing donations thereby increasing the taxes so there is a conflict from the very beginning that could come about if we were not clever in the way in which we dealt with the situation.

So, I am saying that I am not expecting that government attempts to solve all the housing needs, but it targets a specific category at this time to deal with. That category of persons would be different than the category of persons that were dealt with, I believe, by the government guaranteed mortgage scheme and also by the waiver of stamp duty on first homes and properties that were under a specific amount.

So, we don't want to give the government, or the society, the impression that government is in the position to provide homes for all those persons that want homes because everybody wants a house. But in terms of the allocation of these resources I believe that government is not in a position to give away \$1 million a year. In other words, government would be lending this \$1 million that would then be lent to persons who qualify under the specific criteria set up by the institution that was responsible for managing this special affordable housing mortgage scheme.

So, it would mean that if there is \$1 million there today, that \$1 million is not thrown away, because when it is lent to persons, they come back to repay so the fund is always building. The equity is increasing; it's not decreasing. So, it is not that you are giving away \$1 million. We don't have any more money to lend. We are not getting back any money because we have given it to people who cannot afford to pay.

I am suggesting that we still deal with persons who are able to pay because we need to understand in terms of motivation that if we reward persons who are not actively working and do not pay attention to what I consider to be the working poor, the working poor will drop out and will no longer actively participate in the work process. So, first of all, we have to use this housing initiative as a way of strengthening the morale of working people in the country so that they can reach their goals which is to afford a shelter over their heads. So, they have to obviously be the first in the queue to get assistance. It cannot be someone who does not have anything.

I know there are members here who would like to consider that particular situation as well but I don't think that \$1 million a year contribution by government, like I said, is going to spread out in order to be able to deal with all of those situations. There are charitable cases in this country with regards to people who have nothing. This is where I also believe that the churches should be-

gin to play a larger role, not just government. The Bible talks specifically about charity and the importance of charity and you can have prophecy and you can have this and that, but if you don't have charity you have nothing.

So, we need to see efforts in that direction to deal with the *deserving poor* while we continue to try to, at this particular point, deal with the working poor. So let us make a distinction here between the *deserving poor* and the *working poor*. The *working poor* have to be supported by Government's initiatives because government needs to reinforce the work ethics by helping them to achieve what they would have been able to achieve had the wages been better.

So, my attempts to help the *working poor* in this country have also taken the form of trying to assist them with organising themselves in such a way that they can fight for better wages; that they can fight for improved working conditions; that they can fight for fair distribution of gratuities and that they can learn how to manage their resources in such a way as to be able to purchase those material things that they need for their existence, for instance, shelter.

Mr. Speaker, we have discussed housing a lot here in this Legislative Assembly. We know it is a hot political issue. We know come every election every politician likes to deal with it. We know that as yet no one has solved the riddle of how to deal with affordable houses in this country. We know that people are no longer mystified by politicians coming to them and saying, '*when we get elected we are going to do something to create affordable housing.*' That mystification, that way of talking to people is all gone. People know we have no magic solutions.

But this very simple solution brought by the Third Elected Member from West Bay is a key to a very important beginning, and because the government has accepted it. And although the government might not even have a budget this year—there might not be a budget until there is another government—I think it is still important that this government does whatever it can do within the next two months to get this thing going because there is already \$1 million that we voted for in the last Finance Committee meeting to go towards affordable housing.

I remember, Mr. Speaker, I brought that move in here at the last Finance Committee meeting. There is \$1 million some place in the Treasury that Finance Committee authorised to be used for affordable housing. What is amazing is that with all that time since we have voted this \$1 million we have not heard how one penny of \$1 million has been used to begin to create affordable homes for people in this country and it is such an important issue. Well, if it is such an important issue and you have \$1 million, you have a start. Why has there been no start? I would like to know that at some particular point and I have registered a question with regards to this.

Now, we want to make sure that at the end of the day that Government researches the different housing projects in different areas. But it does not have to take

forever. It does not have to take forever to come out with some kind of plan. There are areas in George Town, for instance, where I have spoken to people who own land, because they own communal land and there are a lot of families that still live together. The government could go into one of those areas, for instance, off the Myles Road in George Town, Shedden Road. The government could say to the people, *'Look, as a family you put up the land and we will put up the buildings and then we can have a co-operation somehow together where you all have contributed something. We have contributed something and we see at the end of the day what your monthly payments should be until you can afford to say that you own and have the title back.'* There are things like this that could be done because if \$1 million was to be spent in that area we would have seen some fantastic results.

But if you spend \$1 million in West Bay one year, \$1 million in George Town one year, maybe \$500,000 in Bodden Town one year and \$500,000 in North Side one year, Mr. Speaker it goes around. So, in four or five years you can touch everybody's life. We cannot solve the problems entirely, but that does not mean that we should not begin at some particular point.

So, there are innovative ideas and we have asked to be a part of the development of this particular strategy. And because we are on the backbench and they are the ministers and they have their civil servants, it does not mean that they should not take advantage of our experiences in dealing with housing issues. I studied housing problems in Nottinghill Gate, in London, when they really had bad conditions back in 1972 and 1973. My thesis was about that area and housing was a very important aspect of the entire decay in the social control mechanisms in the society.

So, without housing, without something being done to make people feel that ownership of property is achievable, we have a weakening in the social control mechanism of a community. In order to hook that fabric up, to reinforce that fabric, government money would be well spent. We are not just talking about assisting the *working poor* simply in order to be nice to them; we are doing it also because it is a very important part of the social control strategy of a society.

I want then to just conclude by saying that I believe this motion is timely. I believe that in terms of the Member from West Bay thinking it out it is almost a blessing because a lot of us put our heads there but we did not come to something as concrete and as specific as he did and I congratulate him for that.

**The Speaker:** The floor is open to debate. Does any other member wish to speak?

The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** I am glad to support the motion. I think it is worthwhile although it is not a novel idea.

Mr. Speaker, I am glad to hear government say that it has accepted this resolution. I would certainly want those persons in need (and there are many in this country today) to get a shelter. I would hope that the terms

and conditions be brought to the Legislature concerning this fund. It is a pity that on the eve of this election we have to come back to do this again. It is a real pity. It is sad.

Mr. Speaker, we have moved motion after motion in this House. Since 1993, I have moved several motions dealing with the matter of housing. If I had had responsibility for the matter of housing since 1997 until the present time, these matters would have been dealt with.

The first phase of the housing plans programme we put in place helped over 170 families up to 1997. As I said I have been successful in having motions passed in the House and others have been successful since 1997 but nothing has been done. Motions in which I gave various ideas of how to address the lack of housing in the lower income bracket, those ideas were part and parcel of the second phase of the housing programme which we put in place. For instance, reading directly from the *Hansard* on the last motion: **"One idea was that government would put aside sufficient funds annually to provide soft loans up to a maximum of \$100,000 for a period of 30 years then government would give a 5% interest for that loan."**

Mr. Speaker, that was specific. It said up to \$100,000; for a period of 30 years; and it said for a 5% interest. That was specific.

Further, I said that costs being what it is in legal fees and so on, government could approach an attorney, or perhaps their own legal department, for a reasonable flat rate for all legal work, which would include pre-qualification for the stamp duty waiver and everything pertaining to the sale.

Mr. Speaker, as I said then, one prohibiting factor is the high interest rate for people . . . and the vast majority of people are working, but they cannot qualify because of that qualifying factor. Another prohibiting factor is the closing cost, and as I said, the qualifying ratio of the applicant's monthly loan payment to their monthly salary.

Another idea, as I said then, was to introduce a system where if we could not get the interest rates on the mortgage to lower in the country especially for the lower income groups from the banks, government could be the 100% guarantor to the bank. The agreement would be structured so that government could pay the interest of the mortgage through a fund set up for such purposes and take back that payment from the borrower interest-free, but over a 30-year period so that the borrower's payment to government on that side of his commitment would be very minimal.

These are ideas that we had for the second phase—because as I said, and I maintain that position—no one scheme or programme is going to solve the housing problems in this country. It is going to be necessary to deal with this from several different avenues as I have outlined, and these can work if the government does something about it. So, it is a motion that I can support because it is needed. It is very much needed.

Mr. Speaker, in June 1997, the Financial Secretary and members of his staff, along with my permanent secretary at the time, Mr. Carson Ebanks, and I, attended

the Caribbean Development Bank board meeting in Canada. I had to deal with the matter of small business loans and housing and that was the purpose of going to Canada to that board meeting. One of the things we accomplished was getting Caribbean Development Bank to agree to a different outlook of the Cayman Islands in terms of how we borrow funds from them. I can't understand why, because when we came back the report was made to Executive Council. Why wasn't something done with them? I am not just here criticising for the sake of criticism but we are down to the general elections and we are still having motions passed which really cannot be effected this year unless government takes some extraordinary measure.

Mr. Speaker, I too would proffer that I have the same people who go into my colleague's office in West Bay, when they leave him they come to me, or when they come to me they go to him afterwards. It is a pitiful situation. The same woman that slept in the car, I had to pay hotel bills for her and her children. It is a sad, sad situation.

It is good to talk. It is good to debate and it is even good to put oil on troubled waters by accepting motions as has been done so we don't get all heated up, but that *does not cut the cake*. It does not help the people who need housing now, in particular, the lower income group.

To make matters worse, Mr. Speaker, the economy is going downhill. People might not want to admit it, but it is a fact if you [check] the businesses and people on salaries. We find in the hotel industry, in the off season when we hear all kinds of noise about the amount of tourists we have, yet we find our people only making \$75 and \$79 for the week. How can they pay a rent on that? How can they pay a loan on that?

Mr. Speaker, I have found that couples, single persons and single parents are willing now to build texture one-eleven homes in order to avoid the high rent and try to save something. That is some kind of blessing too, because then they will save and will recognise they are not going to get this big home anymore in these islands on the kind of salary they make. I am glad that some people are recognising that. They want a shelter and a decent place for themselves and their children.

So, the need is there. And as I said, unless government brings forward some special mechanism now, this motion will not assist anyone right away.

I have another motion following this, asking the House to do certain things that will help those people who are having trouble with their mortgages and are being threatened by the institutions. But that, too, will only help those persons who already have. That is not going to help people who need now.

So, I hope that the government can commit some funds somewhere for this programme and I would like to see some terms and conditions in order for the right people to get. Thank you, sir.

**The Speaker:** The floor is open to debate. Does any other member wish to speak?

Does the honourable mover wish to exercise his right of reply?

The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. Let me say thanks to government for accepting the motion and thanks to my colleagues on the backbench for their positive contribution to the debate on this motion.

I do endorse what the First Elected Member from West Bay said in that the terms and conditions of the low cost or affordable mortgage scheme should be worked out and brought back here for us to at least have a look at. We want to ensure that we feel it is fair and will achieve what we want to achieve by way of assisting the greatest number of persons.

The other thing that crossed my mind as they were debating—and I made a couple of notes—I recall probably in 1969 when I was in my first job as a customs officer at the dock that there was a little demonstration from the local contractors concerning someone's attempt to bring in a couple of mobile homes. The argument was that if we allow mobile homes in the country it is going to affect our local contractors the possibility of employment. As a result of that, the government of the day put in place a policy banning the importation of all mobile homes or pre-fabricated homes.

Now, Mr. Speaker, you and I are both aware of what we are talking about as far as mobile homes. I had a gentleman who recently came to me and said, '*John, I just purchased a brand new three-bedroom (I think he said) mobile home in the Florida area and it cost me \$18,000 (I think he said), fully furnished.*' In order to accommodate the problem that we are talking about, we have to look objectively at all possibilities and ways of assisting.

If someone wants to bring in a mobile home in this country, once it is anchored properly, why should we who are fortunate enough to obtain a mortgage say, '*No, no, you cannot own a home, nor is there any possibility of owning a mobile home for you and your family.*' Mr. Speaker, I think that [the mobile home] is a possible solution. I remember mentioning it in here before and the reaction was '*Oh-oh, if we have a hurricane what would happen if we have these homes all over the place?*' How often have we had a hurricane in this country? The other reality is, if we have a hurricane in this country we are all in trouble even those of us who live in concrete homes with shingle roofs, we are in trouble. So we cannot base policies or decisions on those types of possibilities.

Mr. Speaker, we have to face reality in this country. All of us cannot afford the same things, but as I said, I believe that we need to look at all possibilities in this area with regard to affordable housing. I am quite sure if we made a decision . . . and I might bring that motion, if I am not a minister, God willing, after elections. I will bring that motion asking for government to waive or allow the importation of mobile homes and pre-fabricated constructed homes in this country in order to assist persons with affordable housing.

Do you know what I would do? Those contractors out there who are saying, *'I will build your home for you but it is going to cost you \$280 per square foot'* if I have an option of basically getting the same type of accommodation, that is, 2 or 3 bedroom accommodation for \$20,000 to \$30,000 as opposed to \$150,000 maybe they might think about coming down on their costs that they charge me for their services.

Mr. Speaker, I know the First Elected Member from West Bay when he was there he really tried in this area as far as meeting this particular need for affordable housing. I recall there was one area in West Bay that was basically designated for an affordable housing scheme. One of the candidates now, opposing the First Elected Member for West Bay and me, was one of the objectors to that particular scheme. Now, he is visiting and promising people he is going to help them with housing and other things. People are not easily fooled. Boy, one thing I understand is that Caymanians have memories as long as elephants: they don't forget a whole lot of things.

We are trying. I had one constituent of ours, who supports both of us, say, *'John, I tell you something, if you and McKeever are not re-elected, I am moving.'* Why Mr. Speaker? Because of the years we have attempted to address the needs of the ordinary working person in this country.

Mr. Speaker, I think I have said enough. We have \$1 million in the budget. I thank God for the vision that he gave me on this issue. I was thinking about it and the mechanics of it and He said, *'John, get government to do it and have it administered through the Credit Union,'* which I thought was an excellent vehicle but I have no problem with AIDB, they have done a good job. I believe that is the way to handle it because then I think it will be administered on a professional level.

And, Mr. Speaker, I am not talking here about handouts. What I found is that most people that I talk to about housing are not looking for a handout; they are looking for a monthly payment that they can afford.

I did a few calculations and it was like at 5%. I am proposing that we offer this particular financing at may be 3% but even at 5%, \$80,000 for 20 to 25 years works out to about \$600 to \$700 a month. That is the way it should be, Mr. Speaker. Most people pay more than that for rent. As I said, we have \$1 million in the budget, let's start with that. Let's commit not only this government, but also the next one, to the idea that this is going to be an annual contribution.

Mr. Speaker, like I said about education this morning there is no greater investment you can make, not only in the education of our people, but in housing for our people. Thank you very much and God bless.

**The Speaker:** I shall now put the question on Private Member's Motion No. 17/00. The Resolve section reads, **"BE IT NOW THEREFORE RESOLVED that government consider assisting with affordable low cost housing by making an annual contribution of C\$1 million in its budget and because of its experience**

**have the mortgage programme administered by the Agricultural and Development Board (AIDB) with preferred interest rates."** I put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The motion has passed.

**AGREED: PRIVATE MEMBER'S MOTION NO. 17/00 AS AMENDED PASSED.**

**The Speaker:** Moving on to Private Member's Motion No. 24/00 entitled Mortgage Assistance to be moved by the First Elected Member for West Bay.

## **PRIVATE MEMBER'S MOTION NO. 24/00**

### **MORTGAGE ASSISTANCE**

**Mr. W. McKeever Bush:** I beg to move Private Member's Motion No. 24/00 standing in my name which reads as follows:

**"WHEREAS many persons have found themselves in financial difficulties;**

**"AND WHEREAS many persons are under threat of losing their houses through failure of payment of their mortgage for a few months;**

**"AND WHEREAS several Resolutions have been accepted by this Honourable Legislative Assembly to address the housing problem since 1997 without success so far;**

**"AND WHEREAS this Honourable House agreed to expend \$1,000,000.00 on Housing, with nothing done so far;**

**"BE IT RESOLVED THAT this Honourable Legislative Assembly consider making the said \$1,000,000.00 available to the Finance Department to be expended in the most urgent and efficient manner for mortgage assistance to those persons who cannot pay their mortgages and are now under threat of losing their homes;**

**"AND BE IT FURTHER RESOLVED THAT at the next meeting of Finance committee to be held soon the said \$1,000,000.00 be agreed upon;**

**"AND BE IT FURTHER RESOLVED THAT Government determines what type of repayment is to be made by recipients of the programme.**

**"OR ALTERNATIVELY, BE IT RESOLVED THAT if this Honourable Legislative Assembly is unable to agree on the \$1,000,000.00 for the said purposes, that at the coming Finance Committee Meeting funds be put aside for the mortgage assistance programme as outlined."**

**The Speaker:** Seconder, the Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I beg to second the motion.

**The Speaker:** Private Member's Motion No. 24/00 has been duly moved and seconded. Does the mover wish to speak to it?

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I thank you and I thank the seconder for assisting with this motion.

For what seems to be various reasons for far too many families they are losing their houses. All the cases I have found out about are those where a mortgage is not paid in full or at all for 3 to 6 months or to a year in a few cases. Sometimes I have seen the amounts range from \$3,000 to \$13,000 but they lose their house and this is after having been paying on their house and struggling with it for couple of years.

The reasons I have found why some mortgages fall behind is that some people work in the hotel industry and during the off season they don't make enough to pay that commitment. Others are for varying reasons: loss of job, sickness, and other personal problems that shatter the life of a family or an individual and disrupt what would be a normal family life.

However, the cold fact is that people are sometimes losing their only possession in life, a piece of land and a house that they have been paying on for years and sometimes not great amount of money. It is the only shelter that children have. The only home they know.

r. Speaker, I believe that the government has a responsibility here. It is not their fault. It is not the fault of any civil servant. It is not the fault of any administration sometimes, most times. But I believe that government has a moral obligation to assist their people when we find our people in such trouble as I have found and I know other members have found.

As I said earlier, people want a house and more and more I find that single parents and couples in the lower income bracket are now prepared to get smaller one and two-bedroom houses. I find that there are those in need who are prepared to build small texture one-11 houses in order to get out of the high rent and give themselves some working room to try to save for a more comfortable house for themselves and their children.

It is a sorry state, Mr. Speaker, and I am sure that as a representative you have come across it. Maybe not so much in your constituency because you don't have as many people. But I know you have come across it, where the family comes to you and as a representative without executive authority you cannot do anything but to counsel, call up the bank and beg for the person, sometimes make suggestions for them and keep calling. I have said at times to banks, *'Listen, I know that you have your rules and regulations, and your money has to be paid back, but can you really put a family of four out of a house that they have had for the last ten years for the want of \$8,000 or \$9,000?'* Simple: husband got sick, wife did not have enough money to pay the mortgage—simple fact of life in these islands we face sometimes.

I know you have found that, Mr. Speaker. I have found it and I know other representatives have found it

also. I am asking government to determine what type of repayment is to be made. As I said in the other debate, perhaps in that determination of what type of repayment they want or would consider so as not to burden that family any further and make matters worse, government can charge that person 3% or whatever for a 10 to 30 year period depending on the amount they would need to put themselves in good standing and clear their arrears.

I believe that this is a very significant matter. As you watch the newspapers you see houses—I have seen more than a dozen up for sale in the newspaper. I have constituents who come to me up to last week Friday. What can we do, as I said, but to call the bank because we are not rich that we can up and pay \$4,000 or \$5,000. I do try to assist and I know that there are other people in this House who take money out of their pockets and try to assist. But we cannot cure the problem. This is a problem that we are facing. I would hope that government would accept the motion and set up the right conditions giving people an opportunity—even though they have fallen behind with the commercial institutions—to keep what is so important to a nation and that is, a shelter for family.

Thank you, Mr. Speaker.

**The Speaker:** The floor is open to debate. Does any honourable member wish to speak?

The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, its election time and collection time. I don't understand how this \$1 million which we in Finance Committee voted for affordable housing is now going to be deployed for something else regardless of how sympathetic I might feel to persons who are experiencing difficulties in meeting mortgage payments. Somehow those persons qualified to have mortgages and have homes. Before, I was basically talking about people who didn't have it. If the money is going to be used for affordable housing it is impossible for that same money to be used for this specific mortgage assistance.

We are talking specifically about the \$1 million that was agreed on in Finance Committee. I don't really have objections to helping anyone, but certainly you cannot help everybody at the same time with the same \$1 million. The money has been earmarked to go towards affordable housing and I think that is where it should go.

**The Speaker:** The floor is open to debate. Does any member wish to speak?

The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Mr. Speaker, the government has now had an opportunity to peruse the motion being Private Member's Motion 24/00 dealing with mortgage assistance. If I may just briefly refer to the preamble where it says that there are certain persons who are now in threat of losing their homes and the government is sympathetic in that regard. However, the

government had given an open commitment to the expenditure of \$1 million for housing.

There is a committee that has been set up by Executive Council who is actively looking at this and we hope that within the next few weeks we can actually see houses in each of the six electoral districts being started for persons who are indigent or in the poverty level. We are of the opinion on the government bench that although this is a worthy cause that appropriate motion should be put when Finance Committee is called and either it is increased or through the blocking of another fund for this to be done. But at this particular stage we could not go back on our word and use that \$1 million which is set for something—

**POINT OF ORDER**  
(*Point of Explanation*)

**Mr. W. McKeeva Bush:** On a point of order, Mr. Speaker.

**The Speaker:** Let me hear your point of order.

**Mr. W. McKeeva Bush:** The motion asks that if they cannot find it within themselves to agree to that \$1 million then alternatively it be addressed by Finance Committee and they agree. The motion is in two parts so I would ask that they look at that section of it, at least, that is what she just said.

**The Speaker:** I think that is a point of explanation. Would the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture please continue?

**Hon. Julianna O'Connor-Connolly:** Thank you, Mr. Speaker. I too concur that it was not a point of order.

The first Resolve, I have explained that the government is not at this stage going to go back and use money which we have already voted for to assist the poor persons being in the sum of \$1 million. What I was saying was that the second resolution which is asking for it to go to Finance Committee, if it is taken as a separate vote under two separate resolutions, then the government at that stage could make a decision or either the First Elected Member from the district of West Bay could move it in a second substantive motion, wherever is his discretion.

I thank you.

**The Speaker:** The floor is open to debate. Does any member wish to speak? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, we have to realise that there is a crisis in the country as far as people failing to meet mortgage commitments are concerned—many of them hard-working people. I don't know what the root cause of the problem is because of the complaints and requests that I have received. I have not had the time to analyse them collectively to see if there is a common

cause. However, what I can say categorically is that there is a problem.

A lady called me two afternoons ago and subsequently came to see me. She shared with me a heart-rending story of how she lost her house. I believe in that case it was a responsible lady who through circumstances beyond her control, some job adjustments and downsizing, she was unable to realise the payment. And like in baseball, three strikes and you are out. How does someone who was paying regularly and consistently for seven years on a property deal with a situation like that? How do you rationally explain to them the rules of the game? How can you let them understand that this is business? Too bad!

Mr. Speaker, I was reading some articles about these kinds of experiences and how social psychologists and social scientists deal and counsel with people who suffer these losses. I was struck by what one author said: he said that some people never completely recover from these kinds of devastating experiences and if you are not grounded you will take to the bottle, to the streets, or to something else, because there has been an interruption, a jolt, a shatter—a shattering experience in your life much like the unexpected loss of a loved one. If you are not counselled and if you don't have support some people never recover. I mean, how can you deal with being put on the street. This is not a place where there are choices and grades in a plethora of apartments with a wide range of prices and affordability. This is usually the kind of society where everyone has his little niche and there is not much space or room for any other person. We don't have any mechanisms to deal with these kinds of displaced persons.

It is a fact of life and I don't know how we are going to address it, there is perhaps no easy way if we were to be frank and candid. It is unfortunate that we have to come to the position where persons have to look to the government for some relief. I am by no means advocating any welfare statism because I know that government has its limitations. But as one of the representatives of the people, I am hearing about these cases far too frequently so it seems to me that in the interim we need to find some kind of mechanism whereby we can offer financial assistance and relief.

I want to say something else, Mr. Speaker. The articles I read instructed me that quite often people don't run into problems during the first or second year of the mortgage—they said up to the first five years, it is after that. So, what I am saying also is that this request is for a stop gap measure. What seems to also be needed, is some kind of counselling and perhaps what we need to have in this country is some kind of credit counselling that these persons can have access to before the situation reaches the critical stage and becomes terminal where they lose their house. Unfortunately, many of the lending institutions don't operate like that.

There should be some kind of mechanism where as you read the first symptom you begin to seek remedy and seek help. Living in an age of the revolution of rising expectations many of these persons may be getting into

trouble by living in a consumer society, ostentatious life style, not being able to prioritise. Mr. Speaker, that is one of the dangers of television advertisement—you are bombarded by consumer goods. Persons who don't have good control over their credit, they have a credit card and one of the easiest thing to do is to run it up to its limit—max it out—and then you get people calling you on the telephone 'dunning you' as the expression goes and then it is sometimes easy to delay and defer the intangible, the mortgage payment at the end of the month not realising that the interest accumulates sometimes by common proportions.

So, I want to say that in spite of what some people might say about election, there is a human aspect to this because if forty families are foreclosed upon and lose their houses, I would lay my neck on a chopping block that they are going to be wards of the state. They are going to be wards of Social Services or Community Affairs or some place else. So, I mean, it is unfortunate that the government finds itself in this position but we have to face the facts. There is no other way. What are we going to do? Because it does not affect us, we are going to be cold-hearted and turn them out and say, *'Well, I am sorry I cannot help you. Too bad'?*

Mr. Speaker, one would have to be ghoulish to take that approach because these are the same people that many of us are relying on to vote for us in the next couple of months. We have to have heart.

The ultimate solution lies in what I say, but it goes also beyond that. We have to arrive at the point in this country where there is some institution whose sole purpose is to provide affordable housing based on one's earning power. To complement that, there must also be available the necessary support services including credit counselling and those services which help families arrive at budgets and prioritise.

By the way, I was just reading a book entitled *Mighty like a River—the Black Church*. I was reading about a church in Houston, Texas. This church has about 40,000 members. There are three physical sites and one of the things that this church is big on is what they call personal financial empowerment. This church inculcates in its members what they call spiritual economics and helps them to manage their money according to biblical principles, that is, living according to one's means. I read where it is a most successful organisation in that all of the members of that church, all of the families in that church own their homes. They have a large percentage of their income in savings and they do well. But a great part of the success lies in the fact that a certain knowledge and disposition is encouraged. They learn to budget, they learn to prioritise and they learn to deprive themselves of what is not necessary. These kinds of things that we are calling for by themselves are not enough.

#### MOMENT OF INTERRUPTION—4.30 PM

**The Speaker:** May I interrupt you for a moment, please?

We have reached the hour of 4.30 p.m. It was the intention that we continue until 8.00 p.m. I would appreciate a motion that we suspend Standing Order 10(2).

#### SUSPENSION OF STANDING ORDER 10(2)

**Hon. Truman M. Bodden:** Mr. Speaker, I move the suspension of the Standing Orders relative to this to ensure that we can go until 8.00 PM.

**The Speaker:** I shall put the question that in accordance with Standing Order 10(2) this House continues until 8.00 PM. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The House continuing.

**AGREED: STANDING ORDER 10(2) SUSPENDED.**

**The Speaker:** The Third Elected Member for Bodden Town, I apologise for the interruption.

**Mr. Roy Bodden:** So, I was saying that the grants of money by themselves will only be a palliative; what we want is a lasting solution. So when we get over the crisis we have to examine this problem and we have to find a way of developing the mechanisms which will help these families understand that it is of critical importance to live within their means: to budget and to prioritise. It is necessary in the long-term interest to deprive ourselves sometimes. We have to come to the stark reality of what is a *necessity* as against what is a *luxury*.

This is especially of critical importance in that many of these persons who are so affected are single parents. Young people come to me and lament the fact that they will never be able to afford a place of their own because they are in a perpetual struggle just to keep up. They are trading water—just doing enough to pay the rent and buy the food.

Mr. Speaker, it is unfortunate that these kinds of requests come in the height of the political season but then there is politics in everything and if we are going to use that as an excuse not to help someone then we will be denying people everyday. I think in the long term the ideal situation is one where we can have different means of providing mortgage money from those we are now accustomed to. And any conscientious government can find these means and find this money.

The United States, that great bastion of economic prosperity and democracy, has an arm of the Federal Government called Housing and Urban Development. Mr. Speaker, I am sure that to you this will be familiar. Under the auspices of a number of foundations—and I can think of one called the Fanny Mae Foundation existing solely and exclusively to provide affordable housing to people. Not only do they provide affordable housing; they help the people once the housing is acquired to stay current with their payments.



A time is coming in this country when politicians and people who profess, are going to have to put their actions where their talk is—when they talk the talk, they are going to be called upon more and more, to walk the walk. Mr. Speaker, one has only to check the paper on Friday to see the foreclosures and threats of foreclosure. It is easy to be smug and apathetic, and if anyone is so naïve, so hard-hearted or so ill-informed as to believe that this is not a problem, then they need only to stick around and tarry a while.

I believe that the government, if it is minded, no one is asking for a handout. Certainly it is only fair to expect that any money used to bail persons out, should be paid back, even if it has to be paid back without interest. But, Mr. Speaker, that is a small inconvenience to suffer to save a family from being displaced; to save a youngster from going on the streets.

We say that we are concerned about crime and we want to fight crime. Have we ever stopped to realise that the contributing factor to crime and delinquency are numerous? One of the primary ones being a displacement of persons, no permanent abode, living on the street, living from neighbour to neighbour, or family member to family member. Have we ever thought how psychologically upsetting, how spiritually debilitating and how economically worthless that can make an individual feel and realise?

Mr. Speaker, the lady who called me broke down in tears because it was not that that lady was helpless. She had land other than the house, but the process being what it is, she could not sell the other piece of land which was unencumbered in time enough to save the bank from foreclosing on her house. So, now the house is gone. She still has the piece of land, but she is worse than she was because while she has the land it is no good to her now as she will never realise enough money to put another house back on that land, save a stroke of luck or she wins the New York lottery.

So, I want to say that in many of these cases it is not that people are worthless or that they are irresponsible, it is just a force of economic circumstances. Heaven forbid that there would be something, a shutter and a jolt, that we would have a major failure in any sector of our economy (like the tourism sector) because this problem would then become endemic. So I don't want anyone to get away with laying the impression that it is because these people are worthless and because they choose not to help themselves. There are many cases of legitimate need.

Mr. Speaker, I am sure that the government, being as conscientious as it is, is aware of this problem. I am also sure that the government being as informed and conscientious as they claim to be realise that it is crucial that we find some means of accessing affordable financing in the long term. What the government chooses to do in the interim—to address the more immediate concerns—is the preserve and prerogative of the government. I am merely making a request that there are legitimate cases: that there are persons out there who even as I speak are on the verge of being displaced. I full well

understand that financial institutions have rules and regulations and parameters in which they operate. And that the money is not theirs in the first place, but that the money is invested by clients who expect a reasonable return on their money. I am not asking for the institutions to write off anything either. But, Mr. Speaker, the problem is one that begs a solution. Together the legislators, the government, the institutions and the persons who are under threat—there must be a way for all of us as parties to work this out so that we can realise and address this problem.

It may well be that the solution lies in some form of divergent thinking. It may well be that the way to the successful addressing of the housing problem and to alleviate and eliminate the need for government to offer mortgage assistance in the future would be to look at alternative means and material used in the construction of the houses.

I am saying that it is time that we look seriously at this because the common cry is that labour and material are expensive. So, it may be time for us to look at alternate material and methods to those being currently used in an effort to reduce the cost of building and mortgage payments so that more people can afford houses and apartments. That, to my mind, would be the ideal long-term solution.

In the interim, I believe, it is reasonable to ask the government to consider making whatever it can make available to persons so that they may try to restructure themselves in order not to lose their houses and be displaced.

Mr. Speaker, that is certainly well within the realm of a conscientious representative to request. It is certainly well within the realm of the government to address if it so cares. Let none of us as the peoples' representatives in this season of professing empathy, sympathy and concern, be so smug and apathetic as to think it does not affect us therefore we don't care.

Thank you.

**The Speaker:** The floor is open to debate. Does any other member wish to speak? If no other member wishes to speak, does the mover wish to exercise his right of reply?

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** This motion was brought out of desperation and that's all. Care and concern for the plight of people whom I have not been able to help, who have come to my office and to the office of the seconder, the Third Member from Bodden Town.

Mr. Speaker, it is a hard thing when you see a family losing their home for \$5,000 or \$6,000 and you cannot help them. We are not talking about people who are drunkards who don't care what happens to their families. I am talking about solid Caymanians who have found themselves in problems. I am not saying that we have hundreds, but when you look at the number of homes advertised for sale by the banks it has to give us cause for concern. And when people approach and tell you

their plight, being a conscientious person you would try to do something.

Mr. Speaker, I looked and I debated Private Member's Motion 17/00 moved by my colleague from West Bay, the Third Elected Member and seconded by the Fourth Elected Member from George Town. But when you look at this motion and you examine it, there is nothing about the \$1 million that was voted in Finance Committee. It says that government should consider assisting low-cost housing by making an annual contribution. It says nothing and that is why I said in my debate at that point that I don't know what could be done this year because we won't have a budget again until next year.

Now, when I could not do anything about some of the cases that have been plaguing us as representatives, this motion was one of last resort, that is what I call it. We looked at it. I did not see, as far as the \$1 million is concerned, nor did I hear, even though we made enquiries, as to what was happening with that \$1 million since last year when it was mentioned in Finance Committee. I don't recall whether it was voted upon, I know it was mentioned. That is why I made the recommendation for the \$1 million to be used in that sense. I am glad to hear that government has a committee and that committee is looking at ways and means to distribute it but we have not been told that. There were questions asked here earlier this year about it and no answer could be given.

So, when the Fourth Elected Member from George Town says he does not understand how the funds could be used for assistance when we had just agreed to use it for their motion, this House has not agreed in that motion to use that \$1 million. That resolution is quite clear.

Mr. Speaker, I don't think that I can say much more about it because I heard what the government said—they intend to use it. That is why I was cautious. The matter we are addressing is one of grave importance to the life of people and we were cautious (the Third Elected Member from Bodden Town and I) in asking for an alternative in Finance Committee Meeting for Government to consider the matter.

Now in regards to what the Fourth Elected Member from George Town had to say about politics and elections. It seems as if that member is worried, consumed, confused and frightened about a general election. I have faced five, this one being my sixth, and if God is for you, who can be against you—but the Devil? No one is going to vote for the Devil.

Where they thought I would be weak, I am strong. And the people whom I have served honestly and selflessly this past sixteen years will have the last say—not the Fourth Elected Member from George Town. Nobody is scared of him. You had your turn. Just keep quiet and listen! No one is scared of you. You have to understand that in this House!

Mr. Speaker, I have a good record when it comes to my time in Executive Council. Some things work better than others and no one can say that McKeeva Bush did not try. I tried and I will try as long as I am here. I will say this, if I had executive power these last three years we

would not have some of these problems with housing because there were other parts to that scheme.

So, I do not wait until election time to deal with any issue or visit anyone. I have consistently and fairly dealt with the issues that affect our people. And while I believe that Constitutions can set up systems, if you don't care about human conditions which people face, of what use then is a Constitution?

So, I can say to that Member and to this House: No one can honestly say that McKeeva Bush has ever waited until an election to help people in whatever need. This representative is conscious of the various needs and concerns of people from the grassroots level to business. That is why I am not scared to face a general election.

I think that when people get up to discuss matters of importance they should forget about elections. Stop mentioning it because it is coming. You have to face it, and if you do something you get cursed and if you don't do anything you are still going to get cursed by some people, so I am not worried about it.

Mr. Speaker, as I said, this motion is one that I believe the government can help. There are several resolutions—two, I believe that would assist the government since it has said that it has intentions to use those funds—even though that is not what was voted on the last motion because in no way is that motion contained about \$1 million presently. It says, 'in their annual budget.' That is what the House agreed on but nevertheless I would hope if they can use it, they certainly need to use it because it is needed.

The two last resolutions, Mr. Speaker, can assist government if they are willing to support or assist people in this manner. It says, **“AND BE IT FURTHER RESOLVED THAT government determines what type of repayment is to be made by recipients of the programme;**

**“OR ALTERNATIVELY, BE IT RESOLVED THAT if this Honourable Legislative Assembly is unable to agree on the \$1,000,000 for the said purposes, that at the coming Finance Committee Meeting funds be put aside for the mortgage assistance programme as outlined.”**

Mr. Speaker, it might not be \$1,000,000 it might be \$100,000 or \$200,000 but I would hope that they put aside something they can agree on. So, as the Honourable Minister for Community Affairs said, perhaps you would take these two resolutions separately.

**The Speaker:** Before putting the question on Private Member's Motion 24/00, Standing Order 24(13) reads as follows, **“If a motion embodies two or more separate propositions, the propositions may be proposed by the Presiding Officer as separate questions.”**

In my judgment I think if the first three are taken as one and the alternative as two, it would probably be the proper way to do it. If the House has no objections I shall call it that way.

The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Suffice to say, it would be the government's preference, subject to your ruling, that the last two be taken together, in that it would set out from the very start that the government would have to set in place some type of repayment programme for the recipients and that the public would not understand it as a straightforward ex gratia grant.

**The Speaker:** I shall now put the question on Private Member's Motion No. 24/00. Two separate propositions.

Proposition number one reads: "**BE IT RESOLVED THAT this Honourable Legislative Assembly consider making the said C1\$1,000,000 available to the Finance Department to be expended in the most urgent and efficient manner for mortgage assistance to those persons who cannot pay their mortgages and are now under threat of losing their homes;**

**"AND BE IT FURTHER RESOLVED THAT at the next meeting of Finance Committee to be held soon the said C1\$1,000,000 be agreed upon."**

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

**AYES & NOES.**

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can we have a division?

**The Speaker:** Certainly, Madam Clerk, would you call a division please?

**The Clerk:**

**DIVISION NO. 10/00**

**AYES: 2**

Mr. W. McKeeva Bush  
Mr. Roy Bodden

**NOES: 8**

Hon. Donovan Ebanks  
Hon. Samuel Bulgin  
Hon. George A. McCarthy  
Hon. Truman M. Bodden  
Hon. John B. McLean  
Hon. Anthony S. Eden  
Hon. J. O'Connor-Connolly  
Miss Heather D. Bodden

**ABSTENTIONS: 2**

Mr. John D. Jefferson, Jr.  
Mrs. Edna Moyle

**ABSENTEES: 5**

Hon. Thomas C. Jefferson  
Mr. D. Dalmain Ebanks  
Mr. D. Kurt Tibbetts  
Mr. Linford A. Pierson  
Dr. Frank McField

**The Clerk:** Two Ayes, eight Noes, two Abstentions and five Absentees.

**The Speaker:** The results of the division: Ayes two, Noes eight, Abstentions two, Absent five.

The Noes have it. The resolution has failed.

**FIRST TWO RESOLVE SECTIONS OF PRIVATE MEMBER'S MOTION NO. 24/00 NEGATIVED BY MAJORITY.**

**The Speaker:** Moving on to the second proposition: "**AND BE IT FURTHER RESOLVED THAT Government determines what type of repayment is to be made by recipients of the programme;**

**OR ALTERNATIVELY, BE IT RESOLVED THAT if this Honourable Legislative Assembly is unable to agree on the C1\$1,000,000 for the said purposes, that at the coming Finance Committee meeting funds be put aside for the mortgage assistance programme as outlined."**

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

**AYES.**

**The Speaker:** The Ayes have it.

**Mr. W. McKeeva Bush:** Can I have a division, Mr. Speaker?

**The Speaker:** Certainly. Madam Clerk, would you call a division please?

**The Clerk:**

**DIVISION NO. 11/00**

**AYES: 13**

Hon. Donovan Ebanks  
Hon. Samuel Bulgin  
Hon. George A. McCarthy  
Hon. Truman Bodden  
Hon. John B. McLean  
Hon. Anthony S. Eden  
Hon. J. O'Connor-Connolly  
Mr. W. McKeeva Bush  
Mr. John D. Jefferson, Jr.  
Dr. Frank McField  
Miss Heather Bodden  
Mr. Roy Bodden  
Mrs. Edna Moyle

**NOES: 0**

**ABSENTEES: 5**

Hon. Thomas C. Jefferson  
Mr. D. Dalmain Ebanks  
Mr. D. Kurt Tibbetts  
Mr. Linford A. Pierson

**The Clerk:** Thirteen Ayes, 4 Absentees.

**The Speaker:** The results of the division: 13 Ayes, 4 Absentees. The result of Private Member's Motion No. 24/00: Resolve 1 failed. The third and fourth resolve sections as written in the private member's motion are passed.

**AGREED BY MAJORITY: LAST TWO RESOLVE SECTIONS OF PRIVATE MEMBER'S MOTION NO. 24/00 PASSED.**

**The Speaker:** Moving on to Private Member's Motion No. 20/00 entitled Public Utilities Commission to be moved by the Third Elected Member for Bodden Town.

**PRIVATE MEMBER'S MOTION NO. 20/00**

**PUBLIC UTILITIES COMMISSION**

**Mr. Roy Bodden:** I beg to move Private Member's Motion No. 20/00 standing in my name and entitled Public Utilities Commission which reads as follows:

**"WHEREAS there is much concern among Caymanians regarding rising public utilities rates;**

**"AND WHEREAS attempts have been made previously to introduce a Public Utilities Commission through motions in the Legislative Assembly;**

**"BE IT NOW THEREFORE RESOLVED THAT the Government consider establishing a Public Utilities Commission to administer and regulate the rates of water, telephones and electricity in the Cayman Islands.**

**The Speaker:** Secunder. The Elected Member for North Side second the motion.

**Mrs. Edna Moyle:** I beg to second the motion.

**The Speaker:** Private Member's Motion No. 20/00 has been duly moved and seconded.

Do you wish to speak to it? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** This attempt to introduce a public utilities commission into the Cayman Islands through legislation from the Legislative Assembly marks the fourth time that I can recall such attempts to have been made. I am happy to report that I have played an important role in all four attempts. The very first time in 1989, the now First Elected Member from West Bay moved the motion and I know the Third Elected Member for Bodden Town seconded the motion.

Mr. Speaker, I am reminded of the story of a young Chinese man. During the Ming Dynasty, in order to enter the civil service, you had to pass the civil service exam. This young man, Yung Chang, went through myriad attempts each year at the administering of the examination trying to successfully pass it. He expended so many years of his life that when he finally passed it he decided that instead of going into the civil service he would spend his remaining few years building and flying kites. It is not so much the story as an adage that he coined which is relevant and appropriate at this time. That adage is, 'As the earth seems small to a soaring swallow so shall seemingly insuperable objects be overcome by the heart worn smooth with a fixed purpose.'

Mr. Speaker, I believe that this time, the fourth time, this motion will be accepted if for no other reason . . . I heard a news item this morning and it was also carried on the front page of the paper where the Chamber of Commerce, no less an august body, has taken Cable & Wireless to task for daring to cut off and deprive honest, deserving and law abiding citizens of the opportunity to access cheaper internet rates. Cable & Wireless has cut off ten lines that were open to Caymanian people. And, the Chamber of Commerce has debunked this whole notion and indeed implicitly called for the establishment of some kind of regulatory body that will ensure that citizens have inexpensive choices and that competition be fostered.

We have public utilities—electricity, water and telephones. In the wind up I am going to say something else about what I also consider monopolies which are not, strictly speaking, utilities.

Now, at a time when Caymanians from all walks of life are complaining about prices and the high cost of living, is it too foolhardy to stand up for the fourth time and ask the Government to consider establishing a public utilities commission? A committee which will, among other things, ensure that the utilities' companies receive a fair return on their investments, but also striking the balance that the consumers of these services have the ability to access the services at affordable costs?

Mr. Speaker, electricity, telephones and water are services that we can ill-afford. It would be a terrible adjustment in the 21<sup>st</sup> century Cayman to think that we could live without these. It is as if we are hooked on them now. But is that any reason for the companies offering these services to hold us to ransom by cutting off our choices; by raising rates when we have no recourse to examination—no recourse to complain to a body which will examine the merits of the requests that are made and we are placed in a position of *take it or leave it, pay or get cut-off!*

I want to say from the outset that this is not about confrontation; it is not about a face-off; it is not about nationalisation; it is not about appropriation. It is about fair returns on the investment, fair prices and fair treatment of the consumer and the customer.

Mr. Speaker, in the Caribbean it is accurate to remark that every country in which Cable & Wireless at the present time operates, is concerned and has begun to agitate for better agreements. In the past the excuse has been that they have a franchise and it cannot be broken or re-negotiated until the term is up. I do not believe that document is so sacred that it cannot stand; that it cannot entertain discussion. Even if the discussions emanate around revising it when it has reached its maturity.

Ordinary housewives are complaining; people in the middle class are complaining; people in the highest echelons of the economic strata are complaining about seemingly, exorbitant rates, and the inability to access cheaper services because of the way Cable & Wireless wields its monopoly.

Similarly, too, the electricity-generating company. Although the complaints are less than those of Cable

and Wireless', there are nevertheless concerns by people about electricity rates—particularly the fact that many people have to pay higher rates because of what is factored in as the fuel factor.

Mr. Speaker, a utilities commission as I see it, would be . . . and I want to say this before I even get into how I see the commission being set up and functioning. I want to say that this recommendation for a utility commission is not new—not even if we think of the first time it was brought to the Legislative Assembly in 1989. Between 1977 and 1978, the United Nations Technical Assistance Programme sent a man here by the name of Mr. J.J.J. Bradbury to investigate the Cable & Wireless operations and its franchise. And this gentleman Mr. J.J.J. Bradbury, recommended at that time that a Public Utilities Commission be set up because he thought, and indeed argued, that it would be in the best interest of the Government, the franchise and the people.

One of the things that has plagued us is that all of the expertise seems to be on the side of the utilities' companies and not enough on the side of the government, so the government is at a disadvantage when it comes to negotiations, discussions and wranglings. We are often too prone to take for granted what the utilities' companies are saying and are not sufficiently equipped to challenge them when they make certain claims and certain requests. Perhaps the government would be well-advised to equip itself by training or procuring people who are experts in this field, so that when it comes to certain kinds of discussions and negotiations we can speak from the point of view of experts, and the government can have its independent opinions, irrespective of the length of term of the franchise.

Now, Mr. Speaker, having established that concern, let me say that I would see a public utilities commission as being made up of persons who are trained and qualified in the fields of electrical engineering, telecommunications, computer services. Certainly, it would need people who are knowledgeable in finance and accounting, but as well may be an attorney for good measure. But as well, you would have to have one or two citizens and these one or two citizens need not have any area of expertise other than good practical common sense and an understanding of fair play and what is reasonable.

Of course it is taken for granted that the utilities' companies would have a representative on the commission. The commission would be empowered by the government, namely, the ministry under which the particular utilities fall but it would be independent of that ministry. Mr. Speaker, is that the most unreasonable request to make? It should not have had to come to this.

And at this time in the life of the parliament people are asking about legislators and what they have done and what they have delivered. Sometimes effectiveness can best be measured not in roads and in lights and these kinds of things, but in efforts people have been made to improve the wellbeing and the lives of the general public.

So that while it is difficult to measure intangible efforts such as this, I want to underscore that these kinds

of motions and this kind of effort by legislators is just as important as the ability to get a road fixed, or a pothole patched, or a street light erected. Indeed, one could argue, more importantly, because this is going to affect everyone and not just people living in a little area or on a particular road or at a particular corner or junction. It is high time that the government pays heed to this request and move towards establishing such a commission.

Certainly, according to the news report this morning and according to the newspaper article, Cable & Wireless is preparing itself for competition. I am glad, Mr. Speaker, I am happy. Believe you me, if this were not the Legislative Assembly and you would not rule me out of order, I would dance on the desk that the Chamber of Commerce came out the way it came out, because now the detractors cannot shoot down the Chamber of Commerce and say, *'there goes the Third Elected Member for Bodden Town again, he has been calling on this.'* The Chamber of Commerce has said that it is wrong. It is not a fact. It is not proven that competition will cause the Government to lose revenue. So, the government cannot dodge under that excuse anymore. The Chamber of Commerce has said that it is wrong; it is not a proven fact to say that Caymanians will be displaced if a new company comes in.

So, this is one time I am hand-in-hand with the Chamber and join them in challenging the government to do what I have been calling on four different occasions, since 1989, for it to do and establish a public utilities commission. History will not be kind to the government if they let this opportunity again pass them by and come up with some flimsy excuses and renege on a glaring commitment.

**The Speaker:** May I interrupt you for just a moment? We have to change the tapes so may be this would be a convenient time to take a fifteen-minute break. We shall suspend proceedings for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 5.20 PM

#### PROCEEDINGS RESUMED AT 5.53 PM

**The Speaker:** Proceedings are resumed. Debate continues on Private Member's Motion No. 20/00, Public Utilities Commission.

The Third Elected Member for Bodden Town continuing.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Please allow me to make a correction. I may have been somewhat ahead of myself. I think I said that the utilities' commission would be entitled to have a member on the commission. No, that was an error on my part and I wish to retract that.

I want to go on now to describe how I see the Commission being set up and what its functions would be.

I see such a commission being established by the minister under whose ministry the utilities would fall, by

his recommendation. The actual numbers could vary and indeed are a moot point. But let us say that in our case if we are talking about one commission for the three utilities, it would have to be sufficiently large as to have on it, at least, one person with expertise in each of the areas of the various utilities.

So, for example, in the case of electricity there would have to be at least one person who is an electrical engineer and some one who is knowledgeable in the area of telecommunications in the case of Cable & Wireless and perhaps as is to be expected, computer communications. In the case of the Water Authority: water purification and production. Excluded, of course, Mr. Speaker, would be anyone who was a shareholder in any of these utilities' companies for obvious reasons. Of course, it would be within the power of the minister to revoke any appointments for whatever reason the minister might choose and people would have the right to resign from the commission. Importantly, too, the commission would have a chairman. So, from all of the various appointees the commission members would get together and elect a chairman.

Now, the terms of reference of the commission would be such that they would have to ensure that the services rendered by a utility operator are rendered satisfactorily and that the charges imposed for these services are reasonable. For this purpose, the commission would have the power to enquire into the nature and extent of the utility services and to determine in accordance with the provisions of the Public Utilities Commission Act, the standards at which these companies must perform or render these services.

The commission could also be empowered and have as a term of reference the ability to prescribe the standards of the utility services, to provide the units of measurement and the type of measuring device used, and to prescribe standards for the measurement of quantity, quality, pressure, voltage and other measurements and standards of that nature and related to the services provided.

They would also be able to prescribe the system of accounts to be kept by the controlled utility. And, also importantly, make provisions for the commission to ensure that the public safety is firstly and foremost. Of course, Mr. Speaker, importantly in our case, the commission would be empowered to hear complaints, to arbitrate, to mediate and prescribe their findings in the event of complaints against the utilities' company. And, they would be in a position to make recommendations and to make their findings public and make recommendations as to compensation or rectification of various complaints and problems. The minister would determine the life of the commission. The commission may have a life span of 2—4 years. That would be left to the discretion of the minister.

What I would like to caution the government against continuing is the practice of the utilities' company encouraging the government to appoint members of it, the government's choosing, to sit on the board of the utilities company. Mr. Speaker, that practice is contrary to the

interest of both the government and the people whom the government is supposed to serve and protect. It serves no tangible reason and provides no guarantee that these representatives are anything other than observers with little or no power to do anything to enhance the government or to protect the citizens from the utilities' company. Indeed it is like lulling the government into a false sense of importance.

I think it should be clear-cut and understood and the government should shy away from that. It is what the sociologist calls co-opting and it does not serve the government any good. It makes the utilities' companies look good, of course, because they can say, *'Well, we have a government representative on the board so we are not doing anything which is contrary to the interest of the government and the people that the government is supposed to serve.'*

The utilities' company is the most effective means, the greatest and the best watchdog as far as the government is concerned. I stress this. Although it is appointed by the minister, it is independent of the minister. Of course, it is natural that the minister, and by inference the government, reserves the right and the power to dissolve, dismiss, fire, suspend any member of the commission if the government sees it acting inimical to its, (the government's) interest. But by and large, where the commission is functioning properly and the terms of reference are laid out and the parameters are clear cut, the commission operates pretty much independently, giving its reports to the minister who when necessary will bring them to cabinet and if legislation or amendments are needed they will then come to the Legislative Assembly or the Parliament depending on which jurisdiction we are in.

Mr. Speaker, many people in the society now realise the significance of this and I am curious to learn what is the disposition of the government regarding this, the fourth request, all four of which (as I stated before) I have been involved in. I believe now, more than I believed at the beginning in 1989, that the time has come for the establishment of a public utilities commission to protect the interest of the public.

So, I will now take my seat because I consider that I have said enough at the introduction of this Motion and I await with eager anticipation to hear what the government's disposition may be.

**The Speaker:** The floor is open to debate. Does any Member wish to speak?

The Honourable Minister for Agriculture, Communications, Environmental and Natural Resources.

**Hon. John B. McLean:** Mr. Speaker, the government is in support of this Motion which considers the establishment of a public utilities commission. There has been no doubt a growing concern among the general public in recent times with regard to high rates of the utility companies: especially we hear of the electrical company and the telephone company.

And while under the 1986 licence that is in place by government there are some checks and balances, it may be that the time is right for such a commission to be established. It is a fact that under the licence the government may at any time cause an audit of the electrical company. As a matter of fact, this portion of the licence has been exercised as recently as the end of August.

I have to agree with the Third Elected Member for Bodden Town that if such a commission is put in place, the government would have to ensure that the individuals on the commission would be independent of the utility companies that are in question. I think this is only fair to say and of course there would be no conflict of interest.

So, we on this side of the House, the government, like other members of the Legislative Assembly, have constantly been bombarded by the public with regard to the problem of high rates and as I said, with electrical rates and the telephone. So, we are going to do whatever is possible to try to have this commission established and to see what can be worked out in the interest of the general public.

So, without further ado, the government supports the motion before the House.

**The Speaker:** The floor is open to debate. Does any member wish to speak?

The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you. I have had my say today on a number of motions, but I could not fail to rise and give support to my colleague, the Third Elected Member from Bodden Town, with respect to this very important issue of a utilities' public commission.

I believe, personally, the time has come for us to deal with the issue of the monopolies that we have in this country—the monopoly on telecommunications, electricity and water. No one can tell me . . . and do you know what happened, Mr. Speaker? Recently other jurisdictions challenged these particular monopolies and they have won. Despite the fact a monopoly might provide a good service with the absence of competition, there is no guarantee that you are getting that service at the best possible cost.

Mr. Speaker, you and I watch international television and the rates that I see being advertised in those countries where you are talking about 2 cents a minute and all kind of nonsense, that is state wide including Canada. If they are in a position to offer their services at those kinds of rates why is it that we are still—and I heard yesterday there was a fantastic advertisement from Cable & Wireless, 48 cents a minute on weekends.

Mr. Speaker, it may be a big deal as far as they are concerned, but they are still at the ballpark cost wise. If they really want to provide a service that people will use and use frequently they need to make their rates much more attractive and make it probably on volume, in other words, the frequency with which that service is used by the consumer.

When it comes to CUC, despite efforts on a personal basis—and I am talking about everybody being

concerned about the cost of electricity—during the summer you cannot keep your bill under \$400—\$500.

I was talking to one of my colleagues the other day in the House and he had just gone overseas to visit some family member who is well established. He said that their utilities [bill]—and they have central air throughout their home—on a monthly basis is in the region of \$80—\$85 a month (US\$ ours is C\$). Water is the same thing.

I have said this from my political platform as well as in this House that we as a community need to get together with one objective and that is to reduce the cost of living in this country. That means that CUC, Cable & Wireless and the Water Authority all have to get involved and any other parties who are in the position where they operate and make a living in this community.

I have always believed in first giving people and companies the opportunity to do things on a volunteer basis, but I believe for too long we have been gentlemen. The Cayman Islands are so well-known internationally for its compliance with agreements and that type of thing that we are going to allow our people to starve to death because we want to live up to our obligations.

Mr. Speaker, I am not talking about breaking any obligations that we have. I believe that the utility [companies] are in a position where they should volunteer a concession. What other country in the world—I have not heard of any—guarantees a public utility a guaranteed rate of return of what, 15%! Mr. Speaker, it is time for us to stop talking and start acting with regard to this issue that affects so many of our constituents.

In my previous motion that I just presented, we were talking about reducing costs, limited wages and income. Here is another example: utilities' costs go up every year. Salaries and wages do not keep pace. Do you know what happens? We are so intimidated by the merchants and others out there about raising the issue of salary and wages we don't do it and as a result our people continue to suffer in this country.

Mr. Speaker, I believe that the idea put forward by the mover of this motion is a very good one. I recall presenting a motion, I think, along the same line, years ago. I believe there has to be certain controls; certain people in place who have the expertise to objectively look at the operation of these utilities in this country.

One of the other difficulties we have, for example, Cable & Wireless—and the Third Official Member, the Financial Secretary is looking at me—is that anything that happens to that company as far as reducing fees is going to affect government's revenue. We budget \$8 million—\$10 million a year as a contribution from Cable & Wireless and all of a sudden the Financial Secretary has to scramble around to fill that gap if rates fall. We cannot look at things along those lines. We cannot! Those companies can continue to make an honest return on their investments in this country but at the same time offer their services at a much more reasonable cost.

I fully support this call and I trust that honourable members will do the same. Thank you.

**The Speaker:** The floor is open to debate. Does any member wish to speak?

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** As the seconder of the motion, I certainly rise to lend my support to the motion. I want to spend a few minutes to go into a bit of detail with regards the principles employed with the creation of a public utilities commission.

Before I go into that part, I just have to make slight reference to the reply by the government. I noticed that the minister made it a point to emphasise the word, *consider*, in accepting the motion. The motion did say *consider*. I was not suggesting otherwise, but the minister made it a point about considering.

Now, I want to make it very clear. While that is the way we have to word motions, I don't want any considering with this motion. It is high time that it is done and the government knows that it should have been done a long time ago. All I am trying to say with greatest of respect to the government, I don't want it to be *considered*; I don't want it to be done because it should be done and there is every reason why it should be done. No disrespect. It is just that the minister's answer kind of hinged on this *considering* business and the *considering* business should have long been passed. It is time to act.

Mr. Speaker, a public utilities commission basically as I see it with a little bit of background that I have read where such commissions operate in other jurisdictions, it is simply a regulatory body. It is a body that works and operates on the premise of protection to the users and the consumers of the various utilities.

This body called a public utilities commission, once in existence, exists to ensure that the providers provide these utilities safely, reliably and at reasonable rates. Also, one of the premises under which a public utilities commission must exist is that it will protect the consumers from any possible fraud. A public utilities commission determines how much utilities is charged for their services and whether the products and services that they provide are safe. But it is not one-sided, because it must also ensure that the investors in these utility companies, who are the providers, have a reasonable opportunity to get a fair return on their investment.

So, while we champion the cause, because the idea is to protect the consumer, no one is suggesting that there must be any *beat-up* and *holler-up* or anything like that against these companies but it is simply that it must be a two-way street. The consumer must be satisfied. The consumer must pay for the services but the consumer must be made to pay a reasonable rate. Basically, it is as simple as that.

Now, when the Third Elected Member from West Bay was talking a few minutes ago he aired a couple of concerns which I want to pick upon, because some people might limit the thought-process with regards to public utilities commission to simply making sure that the customer is satisfied. That is certainly one of the basic premises, but this whole thought-process extends itself beyond that.

The Third Elected Member for West Bay alluded to the fact that at present there is a reasonable amount projected in our annual budget with regards to a franchise fee from Cable & Wireless. And perhaps it is possible if rates were lowered noticeably. This amount which government has been able to depend on annually might well become less. He said that is not the way we should consider it—and I agree with him—but I want to talk about it a little bit more.

Mr. Speaker, here is how it works and here is the fallacy in the whole thought-process. And I am certain the Honourable Third Official Member who is the financial adviser to the government and who is the Financial Secretary, while he is not going to comment at this point in time, I am certain he will understand. The man I know him to be, he will not only understand but he will agree. Now, I might not see him agree but I know he will.

Here is what is happening at present—let us look at Caribbean Utilities: Because of our so-called indirect taxation the Government gets probably, if memory serves me right, close to \$10 million (let's use round figures) a year on the duty that is levied on the importation of diesel fuel which is the fuel that the utility companies use. Other entities in the countries use diesel, but I am safe in saying that at least 90% of the total diesel that is consumed on an annual basis in the Cayman Islands is consumed by Caribbean Utilities Company so much so that they have a direct pipeline to their plant; that shows how much they use.

Now, when you get your bill, you notice there is a fuel factor and that goes up and down depending on what is calculated as your fuel factor every month. Mr. Speaker, you go to Cable & Wireless and as I understand the method chosen right now, Cable & Wireless is paying the government 20 percent of its net profit annually as the franchise fee. (I think there is a choice of one or two methods and I think that is the method being used now). That is some \$11 million this year that has been said before. That means that Cable & Wireless nets \$55 million in the year 2000, if the projections are correct— $5 \times 11 = 55$ .

So, basically the government is in a position where to balance its budget we are looking in excess of \$20 million just from those two entities. Now, let no one fool anyone else—the government will collect that money, but [these companies all pass the buck on to the consumer]. They are, otherwise we would not have a fuel factor. But you see, the disadvantage that the consumer finds is that by the time CUC employs that fuel factor in calculating its bill to everyone, everyone else in the chain who is charged by CUC charges back to someone else until it comes right down to the very last person who is the consumer, who has no alternative but to buy the goods and services in order to live the life. There is no one else that they charge, they just pay, they don't charge.

Mr. Speaker, I know that is not how the government wants it to be and from time to time I have heard some of them say, 'Well, what do you want us to do?' The fact of the matter is that at present the system lends itself to a continuation of the widening of the gap of the distribution



of wealth in the country, Mr. Speaker, not by design but certainly as a direct result of the government being responsible. I don't mean totally responsible but the government shares a huge responsibility in that entire process because that is what has evolved in the way the country does business.

No one is going to tell me that if you, not meaning you, sir, but if anyone is providing goods and services and there are charges which are levied on them to be able to provide those goods and services that they are not going to pass those extra costs on. They are going to do it! Everyone does it! It is only sensible business practice. That basically, sir, is at least one-third of the formula of what is known as capitalism.

So, now we talk about a public utilities commission. The government talks about supporting the motion and is going to consider a public utilities commission. Let me speak hypothetically for a moment and use my imagination which is not very vivid but I have a little one here. I can imagine them talking about it now and hearing them saying to each other, *'Well, what are we going to do about the franchise for CUC? What are we going to do about the one for Cable and Wireless? You fellows must really, really remember how much money we make a year off them.'* Yes, it is going to come in when they are talking. It has to! It must! The man who is looking at me now is the same man I know is going to be talking like that, but that is all right.

Mr. Speaker, I bring these points up not to castigate, but certainly this is the situation that obtains. The message is, we must learn to do business differently. Now, I don't care what the franchise is or I don't care how much longer the franchise has to go. I maintain this: *It is ludicrous for anyone inside of this Chamber or outside of the chamber to say that you cannot call these people and negotiate.* They must be willing because if they are not willing, then all that is going to happen to them is that you are going to spend as long as you need to find the ways and means to break these franchises and you cannot have a good relationship after that. No one, but no one can sensibly say in this day and age, under these circumstances which prevail that you cannot sit down and negotiate with these people. I am absolutely 110% certain that you can. So, I don't want to hear that business anymore. I have heard it out of the mouths of several members of the government for a long time.

The other thing we must bear in mind is: We talk about a guaranteed 15% return on an investment for the utility company. You see, Mr. Speaker, the minister for Agriculture mentioned a while ago about this audit that was done as recently as August. That is what I just heard, sir. Let us assume that is a fact. Do you know what I would like the government to tell me about the audit?

What were the terms of reference of the audit?

What was the real purpose of the audit?

Was it simply to prove, authenticate, and verify that at the end of the day CUC did make no more than 15% return on their investment?

Mr. Speaker, I wonder—and I know a lot of them fairly well and I am not jumping at anyone but let me say this to you because I am not with any CPA or anything, but I have what those 'old' people call good understanding. I know I do.

If I were a utility company with the kind of investments that I know I have to engage in—capital, vehicles, light poles, other types of equipment and all this kind of stuff—and I have the ability to literally decide the length of life of any equipment or anything like that, I could sit down if I so desired, Mr. Speaker, depending on which way I decided to use such a formula and I could create 100 different scenarios that any auditor could examine and they could come out with 100 different results and everyone of them would be correct. I wonder if anyone knows that! I want the government to tell me that is wrong! I know it is not wrong because it all depends on exactly what the life span of the equipment or anything else you are talking about is, when you talk about your return. If you are putting the life span of your investment at ten years, you know basically at ten years the value comes to zero and [then] you calculate how much your return should be. If you put it at twenty [years] it is going to be different. If you put it a five [years] it is going to be different.

I want someone to tell me what body verifies that everything that is done is done by internationally accepted standards. Now, bear in mind I am not suggesting any impropriety because I don't know so I cannot suggest that. While I am taking a little bit long to get to the point, the point I wish to make, sir, is that if you had a public utilities commission all of that could be verified. Everything could be said, yes, this is exactly how it should be. Everyone is satisfied. No one can ask any questions. That is the purpose of a public utilities commission.

The government should jump at the opportunity. They should have done so aeons ago because the fact of the matter is outside of the income into the coffers they are totally impotent to do anything else.

Tell me, look at this . . . Help me now. What is that thing Cable & Wireless wanted to do a few months ago?

**The Speaker:** Rebalance.

**Mr. D. Kurt Tibbetts:** Re-balancing!

This re-balancing exercise I read about in the paper just a few days ago. Months later the government has not replied to them and I will bet you they have not sat down and tried to work it out. They haven't!

**Mr. W. McKeeva Bush:** [*Inaudible comment*]

**Mr. D. Kurt Tibbetts:** It is a bit difficult. No, no, we cannot touch that now. If we are back after the people vote, we will look at that then.

Sure! But you see that is not to jump all over the government. The truth of the matter is, no matter who is smart and who is not smart they are not equipped to deal with that hence a public utilities commission.

**Mr. Roy Bodden:** Exactly! That is exactly what I am saying.

**Mr. D. Kurt Tibbetts:** Qualified people with the right skills and tools. No connections to anyone. And when you have a result that is put forward, it is tried, it is tested and it is over. Finish with the engine—no arguments.

Mr. Speaker, do you know what else? The government owns the Water Authority. I am going to bring you an argument now. Let me show you why this whole thing has to change. It must change. There is no accountability process whatsoever. It is a farce. Look at what we argued about yesterday and today [regarding] the Water Authority, with the sewage treatment plant and the need for a new one, how important it was. The fact that—I don't want to scare anyone—but someone mentioned an epidemic. Someone from the government bench mentioned that they would not want anything like that to happen so the important . . . I think it was simply used to say they realise the importance of it.

Mr. Speaker, government or no government that entity is supposed to be subject to a public utilities commission. The government is also responsible through checks and balances to ensure that they are providing the customers of this country safe, reliable and reasonable costs. Who is checking on that? No one is. Not because it is the government, whoever it is!

Mr. Speaker, I want someone to tell me who decides the rates the Water Authority charges. It is not all the time we must look at the total bill because you could be paying \$25 a month for something that is only worth \$5.

Mr. Speaker, someone just mentioned something and I want to show you something. Because of a monopoly—including a government monopoly—I don't want to single anyone out. It is fantastic when you understand how to do business. They take a piece of equipment that costs—and I am being hypothetical because I don't know exactly. I will just use round figures. Let's say the piece of equipment cost \$100. What they do is: if the Leader of Government Business wants to be hooked up to water when he moves into his new house there is a meter that you have to use.

This is all hypothetical but I want to show you how it is done. They don't say to you that they are selling this meter for \$100, it costs \$85 but they have to make a couple dollars on it so there is a one-time charge of \$100. Not like that. They could easily do that and if they have to replace it they charge you again. No, here is what they say, *'No, no, we cannot charge you for the meter, if something goes wrong we have to replace it. But here is what we have to do to satisfy ourselves in order for us to let you use it every month that we can come and read it and charge you for what you use, we are just going to charge you a small rent.'*

I hear you. That is why people build houses and rent them and after a certain amount of time they pay for the houses and then they make their money. That is fine. But you see, Mr. Speaker, I just used the Water Authority in

that instance—and possibly over a two-year period the meter is paid for and if you don't have any trouble then you make more money off it. That is business. But I just used that for an example.

For instance, Cable & Wireless, if you look at your telephone bill and if you have a telephone, a fax [and other] telecommunication equipment you would be shocked when you add up the rental fees. That is where the money is, guys, it is not in the telephone call. I am telling you! That is the way they do business but a public utilities commission would be able to go over that procedure and say, *'Okay, gentleman, hold a little bit. That is a bit too much now. We have to restructure how you are charging this thing.'* That is the point I wish to make.

You know, if we look at any one individual situation like that, we say, *'That is not much. Why are we worried about it? A big Law Firm! Look at how much money they make! So why are we worried about Cable & Wireless making a few dollars off them?'* That is not the point because there are thousands of individuals who don't make that kind of money and who are paying what they cannot afford to pay.

You see, Mr. Speaker, that is another principle. This re-balancing business, I am not suggesting to the government to say, yes, that how it should be because I don't believe in that system. It must be fair and equitable the return wherever you go because it is the same usage. If you buy a pair of pants and wear it and I buy the same kind of pants and wear it, wherever you wear it—you might wear it a different place than me but it is the same pants. It doesn't mean that because you are going to wear it to a cocktail party that you must pay more because I am going to wear it to go to the Rainbow [restaurant/bar]. That has nothing to do with it. That is maybe a little twisted example but I am sure you take the point.

Mr. Speaker, I could go on and on using examples but I want to say that the government has said that it is going to accept this Motion, and it is going to consider it. The minister who replied said maybe it is time. I want to tell him and the government that there is no maybe about this.

I want to say something else: This again, sir, is but one link in the chain of all the things that you have seen along these lines coming from this backbench; because there is a plan and there is sense to the plan; because we see what tomorrow is going to require and we are trying to look at it from that perspective, sir.

We talk about freedom of information. We talk about transparency. We talk about accountability. This is part of the process because the country is growing up right now but it is choosing too few to allow to grow up with it. It is going to cause us more problems than we even want to imagine. I don't want to go there this afternoon with this motion so I would hope that the government would not be talking about waiting for election or whatever. Neither one of them who sits there is going physically to do the legwork or anything like that. They must accept as a policy that they want a public utilities commission created and the technocrats are going to deal with the rest of the

stuff, then they will get information gathered and look at a proposal. Let us get it going now, sir.

Mr. Speaker, it is amazing nowadays how just twenty minutes or half an hour on the internet can pull off just about all of the information anybody would need to put something like this together. It is not a difficult exercise. It is not critical. And, Mr. Speaker, neither is the legislation that this would require, a difficult exercise. The reason why we want this to happen now is because it is the only way you are going to be sure in the future whether you allow monopolies to exist or not—when you are dealing with franchises, agreements or whatever because such a commission of qualified individuals will exist that you are going to make the right decisions. What seemed right nine years ago when the government made its agreements—what looked like a wonderful situation then, why are we now rowing about it if it is so wonderful?

Simple, I am glad to hear that the government has accepted the motion and I chose the time that I was speaking to draw examples to show the importance of doing this. It is time for us to do it and I look forward to seeing some tangible results and I hope that this one is not just glossed over with words and falls by the way-side, Mr. Speaker.

I commend the motion again. I commend the mover and I am certainly proud to have been the seconder of the motion and I trust that all other honourable members will support the motion. Thank you.

**The Speaker:** The floor is open to debate. Does any member wish to speak?

The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The motion to establish the public utilities commission is one that, as the minister responsible for this mentioned earlier, is accepted by the government.

We have to put this in the right context as to what a utilities commission is all about and also to look at where the real problem of the high rates are. It is a fact that we do have rates that are high and on the other hand very reliable and good service, which is also important to us as a country that electricity is not going off all the time or telephone lines going down. On the other hand, what should be happening is that the public should be getting reasonable and equitable rates while allowing the utility companies to make reasonable returns on their investment.

Mr. Speaker, the utilities' commission deals with administering and regulating, but it must do so within the confines of the law, and it must do so within the confines of the franchises.

So, in my view, what the public utilities commission is going to achieve will have to be achieved lawfully and legally within the law and within the franchises. The question of the amounts paid under the franchises and also the contents and the conditions of those franchises

we have inherited them and they have been in place obviously for quite a while.

The position seems to me that while this public utilities commission may help, it is not the final and ultimate solution because it will have to work within the law and within the franchise. Therefore, it is not right in my view to lead this House or the public to believe that merely by putting in a commission there will be an immediate reduction in rates. That is not how it works.

Mr. Speaker, the only way, I see it, that you can have a reduction—

#### POINT OF CLARIFICATION

**Mr. D. Kurt Tibbetts:** Mr. Speaker, on a point of clarification, sir.

**The Speaker:** Is it a point of order or clarification?

**Mr. D. Kurt Tibbetts:** Clarification, I said, sir.

**The Speaker:** Would the minister give way?

**Hon. Truman M. Bodden:** I would rather just finish if I may, sir.

#### POINT OF ORDER

**Mr. D. Kurt Tibbetts:** Mr. Speaker, then on a point of order.

**The Speaker:** Let me hear your point of order.

**Mr. D. Kurt Tibbetts:** The point of order is whether directly or by innuendo from what I just understood the minister is inferring that someone here said today that if a public utilities commission is established that definitely rates would go down. I have not heard anyone say that, sir, and that is my understanding. You will have to make the judgment. But I want to make it very clear that I heard no one say that and neither did I, by inference or anything else. That is what he just said, sir.

**The Speaker:** I think I listened as attentively as I possibly could throughout this whole deliberation, all private member's motions, and I did not get the impression that you all said that, and neither did I get the impression that is what the present member speaking is saying.

He was simply making a statement, the way I understood it, that it is not going to bring the rates down immediately. But I did not hear him say that others had said that.

**Mr. D. Kurt Tibbetts:** But we all know how the minister says what he says. I am not asking for any sympathy or pity but if you get the *Hansard* and read what the minister said, I am confident that was what was being inferred, sir. I have to leave the judgment to you but I just want to make it very clear if nothing else goes further with this point of order that no one said that and no one was sug-

gesting that. That was my understanding of what the minister was trying to get across, sir.

**The Speaker:** I do not have the ability to read minds. So it is no good of me pretending that I do, but what I have said is my ruling.

Please continue Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** What has happened in other countries is that there comes a time when the franchise itself is probably getting close to the end of its term. Or in some countries, I believe, there may well have been intentional moves to break the franchise. That is obviously a serious matter but the government while accepting the public utilities commission, I think, needs to point out that the rates fall within the franchises that already exist. It is not a matter that government can just take and say '*reduce this or cut this or do this or that.*' Therefore, I do not see the commission, which is going to have to work within the law and the franchise will have or can have the power to just basically reduce the rates. I am trying to be very frank and very analytical on this because it is not simply a matter of saying . . . when two parties are involved you cannot reduce rates from one side. However, we can and we continue to press in whatever areas we can to get an agreed reduction in relation to all of the utilities' rates.

There was talk and it seemed like, speaking generally, blame about the re-balancing with Cable & Wireless and inferences as to whether the government had dealt with this. That re-balancing, believe me, if the government had agreed to that then we would not just be sitting here today talking about a public utilities commission because some rates would go down and some would go up. And believe me this House could not, nor would the government tolerate the local rates that were going up.

I have seen no solution put forward to what seems to me to be the real problem. The 15% referred to is worked on a formula that is in the franchise. If that should be reduced then it has to be done one way or the other. Either there is going to be an agreement between CUC and government to reduce it, or, if it comes to that—and that is always a very serious course to take—then it is up to this House to legislate and break it, and obviously then to pay for it.

So, it is not an easy one and I understand the frustration of members of the House, and Government has done everything we can. In fact, this House can do as much as government can in relation to the franchise. In fact, it can do a lot more—this is the legislative body in here. If someone is really minded to do something then legislate, but is that the answer? Sir, what I am saying is that we have done as much as we can, as much as other governments have done. We are not the first government faced with this and we have franchises that we have inherited, as other governments, because some of these go a long way back.

The answer has to be that we continue negotiating as best we can unless things become difficult and intolerable

and then perhaps a different approach will have to be taken. But to try to put the blame solely on government at this stage is in my view not justified. It is not right. Come up with a solution! If someone wants to blame someone then what is the better solution! I have seen no solution put forward in this House, Mr. Speaker, none at all. Talk is cheap. We are sitting in here burning lights at night, talking and talking and talking, and that is not a solution. Talk never is; action is needed.

However I believe it would be good to do a public utilities commission. Government fully supports this. The Minister said he supports this so it is good and I commend the mover and the seconder in bringing the motion. We support the motion and we can assure them that when Government supports a motion it will do everything it can to carry out and to put in place the public utilities commission.

So, once again, this is good but I think a lot of what has been debated in here and what the public is feeling with high rates—good quality but high cost—I believe that has to be dealt with in another way. I am sure we will continue to do everything within our power to assist with having the lowest rates possible for the public.

Once again we are happy to accept this motion.

**The Speaker:** The floor is open to debate. Does any member wish to speak?

The Fourth Elected Member for George Town.

**Dr. Frank McField:** The mover of the motion said that he had brought motions to establish a public utilities commission on more than one occasion and the motion is back before this House again.

The government is asking what would a public utilities commission do to regulate rates of water, telephone and electricity in the Cayman Islands. Now my understanding in fact is that there is a contractual agreement with regards the rates which are determined as a result of the expenditure and the desire on the part of the investor to make a certain percentage of profit each year on that investment.

I think that the question of rates could—(and I think it is the general frustration of consumers who are concerned with the result of these high prices) it could probably best be resolved by introducing competition. At some point, we are going to have to recognise that although contracts are legally binding that when we made these agreements or when these particular utility companies started their operation in the Cayman Islands we were at a different stage of development and consumer consciousness was at a different stage.

So, for the utility companies to think that there can be peace and harmony among themselves, the government and the consumers, with this type of uneven and unfair relationship is ludicrous. Now, it is okay that the utility companies can tolerate the blame simply because they are not running for office anyway. They are making their profits and they are quite satisfied and will insist upon making their increases when they feel it is suitable for them to do so and argue that it is in line with the

agreement which they have with the government. What about the agreement that they should have with the consumer? Is there any thought to that?

It is one thing to come into a country and allow the government of a country to give you a licence as a foreign entity to operate in that country, but it is another thing when the government of that country actually uses its power over the people to force them to comply with what could be termed, as time goes on, as abuses by those utility companies.

So as a civilian out there using their product, I have some type of contractual relationship with that entity or should have some say in what takes place. It should not be just a result of government regulations. So, I don't think that a public utilities commission is needed at this time but a consumer organisation that would have the ability to mobilise consumers in such a way as to use consumer unity and collective interest to cause utility companies to become more conscious of the needs of the consumers from the point of view of prices.

I am saying that because although the government might find it difficult to break a contract with the utility companies, we, the consumers can break the contract with the utility companies and thereby cause them to lose profits until such time as they decide to sit down with the consumers and negotiate different terms.

You see, what the Chamber of Commerce has done—what Mr. William Peguero has initiated—2000 signatures that they presented to the government which is the beginning of a movement by the consumers to exert consumer pressure on Cable & Wireless to cause them to allow competition to be introduced in order to allow the consumer to have a relief.

**The Speaker:** Could I interrupt you for just a moment?

I am not at all disagreeing with your principle, but I do not think it has a part in the public utilities commission motion. That is something that you would need to bring as a substantive motion.

You are saying that a public utility commission is not what we need and you are then proposing an alternative. That is not the purpose of this private member's motion so I would ask you to desist.

You are talking about a consumer advocate association and they are talking about a public utility commission—two completely different things. Please continue, but desist from using that argument.

The floor is open to debate. Does any other member wish to speak? (PAUSE) No other Member wishes to speak does the mover wish to exercise his right of reply?

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I was just searching the scriptures because the only thing that the Minister of Education and the Leader of Government Business' lame address reminded me of was the trial of that great apostle St. Paul when before King Agrippa. When Paul laid out his defence, King Agrippa said, "Almost thou persuadest me."

Mr. Speaker, the Leader of Government Business, I don't expect any better from people who are employed and paid well to represent big moneyed interest to take positions other than I have heard outlined here. Do you know what? We are entering a good time when the people whom many of us purport to represent will have the last say. I know one thing—no one but no one, can accuse this member of being in any situation of a conflict of interest now or at any time in my career here as a representative of the people. I am a *purist!* I was born one; I have lived one; and I will die one! That is why I don't have any law firm!

Some people have a record of consistency in standing in the way of getting relief when relief is needed. Nobody suggested that a public utility function was solely to decrease the rates. Certainly, I have vivid recall. I do not remember dwelling upon that. I read out the functions of the utilities commission and they were numerous. And I did not read out anything about the utilities commission achieving any reduction in the rates. I certainly did not advocate any breaking of any contract but I am tired because I recall every time this motion has come here, and I was just reading that back from 1989, this spurious argument and excuse about not being able to do anything because of some franchise agreement and somebody blames this government and the last government and said that they inherited the situation.

Well, Mr. Speaker, I pose the question, if you are born with an impediment that can be cured, are you going to live with it and say, *'Well, I was born with it so I will have to tolerate it'* or are you going to seek relief? It is a spurious argument that does not hold water to say that nothing can be done because you inherited the situation. If you are born into poverty, are you a Calvinist that you are not going to improve your lot in life? And, are you going to say, *'Well, this is my destiny, I have to remain poor?'* That is how we can transpose that argument, Mr. Speaker; it does not hold water. I am not asking the Government to do anything impossible but what can you expect from people whose business is representing *'big moneyed'* interest?

I find it enlightening to go back to the 1993 debate, reading from the *1993 Official Hansard Report*, Volume II. This is something that the present Minister of Health remarked as a result of his research when we debated this in 1993. I am going to read it because it bears repetition and it is instructive.

**The Speaker:** Could you give me the page?

**Mr. Roy Bodden:** Yes, sir, page 697.

That honourable member (now Minister of Health) said that in his research he had found out, I am quoting: **"Madam Speaker, I did a little bit of background research on this in regards to the Public Utilities Commission. Most of my research dealt with that of the power companies. It is said that in the United States—and this is where most of my background information came from—the electric power which is the combined function of generating, transmitting**

and distributing electric energy, this is the largest industry in the United States and they have found ways in which to regulate some of these companies.”

And he went on, “Though the services of public utilities are considered essential or necessary, the public does not regard them as so necessary that they should be provided irrespective of cost or the consumers’ ability to pay for them. In the United States the desire to enforce competition among the utilities industries and the establishment of these commissions came about to make sure that there was competition, and that the public was protected. This led to the enactment of the Sherman Anti Trust Act in 1890, and further to that in 1914, the Federal Trade Commission.

“The tendency for many business to practice price discrimination caused passage of a law limiting such discrimination as early as 1914 . . .” He talked about the Clayton Act and some other acts.

Mr. Speaker, what I want to say is, I want to remind the minister, the Leader of Government Business, that they had and have reason to do something because they accepted a motion called the Fair Competition Act and the Fair Trading Competition, and if they had done something about that the Fair Trading Competition itself would have been able to regulate and do something in this regard now.

So, let’s not give the lame duck excuse about ‘they inherited this and they inherited that.’ Do you know what they inherited? The will not to do anything that they figure would be inimical to the interest that some of them serve.

Hypocrites and hypocrisy have no place in a democratic forum. I want to remind the minister that if he and the others associated with him had the will, something could be done without his insinuation about trespassing and making it look like it is the intention of people to commit an illegal act by breaking the franchise. He can crane his neck, Mr. Speaker. He can crane his neck because I am full of righteous indignation now!

*[Inaudible comment]*

**Mr. Roy Bodden:** No! You are the government! You represent them. You tell them how to get out of it. You do that!

Mr. Speaker, that member had better not trifle with me now. People can accuse Roy Bodden of being many things, but they cannot accuse him of being in a conflict of interest situation and being a hypocrite. I am tired of this dodging charade!

#### POINT OF ORDER

**Hon. Truman M. Bodden:** Mr. Speaker, on a point of order.

**The Speaker:** Let me hear your point of order.

**Hon. Truman M. Bodden:** I would hope that the honourable member is not implying the hypocrite and the conflict of interest to me. I would just like that clarified.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, that was not any worse than what he said before.

**The Speaker:** He was skirting around it but I cannot say that he did and I cannot read minds. Please continue. I would ask the honourable member to let us wind this up without too much more—

**Mr. Roy Bodden:** Mr. Speaker, I only want to say that if the cap fits him he can wear it!

Mr. Speaker, I believe that the time has come [when] public outcry, overwhelming evidence, the Chamber of Commerce and the sentiments of a majority of honourable members in here lead me to the conclusion that there has now to be some sensible examination; some sensible discussion, discourse and pow-wow as to the way forward.

I am of the opinion that even the utilities companies are not averse to this because they would like to maintain their favoured position, and they are sensible enough to know that it is better to yield a little ground than to be intransigent and lose everything when the terms of the franchises are up. It is only the government, Mr. Speaker—and I take note that ‘*they may*.’ They are not going to do anything about it for two reasons: one, they are lame duck and impotent. The second thing is that even if they were not, they are not so minded because I have already heard the bag full of excuses.

Mr. Speaker, we on this side find it important and incumbent now to let the persons straining under this realise that there are those members inside here who agree with them that something has to be done and something should be done. Because we are sensible and understand the fundamental principles of business and we certainly understand the capitalist system, we are not advocating that any illegal practice be entered into. I contend that a utilities commission can still be set up even within the parameters of the current franchise. If the government is so minded, they can create a public utilities commission. So, let the Leader of Government Business and the Minister of Education not cloud the issue by letting anyone believe that what we are asking for is a legal impossibility.

Mr. Speaker, if this is done, the consumers would come away with a sense of fairness and the consumers are reasonable. They will understand that there are certain things that cannot be done. I don’t think any consumer group, or any individual or any collective would advocate any breaking of the franchise or any other illegal act by the government. But I want to say that there are entities who have resorted to that because I have here the *Turks and Caicos Weekly News*, Volume 14, No. 29 of August 16—23. That is what the government in the Turks and Caicos Islands did; they broke the agreement with Cable & Wireless.

I am not even suggesting that we do it here, but they did it in the Turks and Caicos. And as a result of that now a benefiting for one whole year through services offered by a Canadian-based company free of cost for the next year. According to the newspaper, that could result in a substantial revenue loss for Cable & Wireless in the Turks and Caicos Islands.

Mr. Speaker, it is high time we decide whether we are fish or fowls—whether we want to help the people or we do not wish to help the people.

The public utilities commission would also divulge to the public in a way that is understandable. Many things which are happening now that they cannot understand: the billing systems, for example. You mean to tell me that these utilities companies are getting away with renting items to people when the persons could be placed in a position where they could purchase them outright? All these kinds of things that I am talking about—those are the kinds of things that a fair trading commission and a fair competition act would take care of. So, the minister does not need to think that he can just fool people with the spurious argument and hide behind the fact that we cannot establish a public utilities commission forgetting that the government accepted to do something about the establishment of a fair trading competition and has not done anything about it yet. Why? That is why I cannot believe in their intentions now.

#### POINT OF ORDER

**Hon. Truman M. Bodden:** Mr. Speaker, on a point of order, please.

**The Speaker:** Let me hear your point of order.

**Hon. Truman M. Bodden:** The point of order is relevancy. The honourable member has moved on to talking in-depth about a fair trade competition and what is before the House now is in relation to a utilities commission, sir.

**The Speaker:** I noted that. I had to call that to the attention of a previous speaker. Please desist from going too much further into that because we are discussing public utilities commission.

**Mr. Roy Bodden:** Mr. Speaker, the Minister of Education suffers from the Napoleonic syndrome—small man, small mind.

Let me show you the relevance of a fair trading commission in this debate. A fair trading commission is a commission which is responsible to see that certain business practices are carried out with efficacy and to the advantage of the consumer as much as to the advantage of the provider. And, Mr. Speaker, since the United Kingdom has privatised their utilities, they don't have a public utilities commission. They have a fair trading commission for the same reason that they protect the consumers; the utilities companies in Britain are not allowed to rent the meters. The consumers buy their meters and so they are not charged every month for the

metre. That is what a fair trade commission does. So, that is the relevance of that to this debate.

**The Speaker:** I thank you very much for that. I will assure you that I am very familiar with the public utilities commission and also a fair trade commission. I have done considerable research on both.

**Mr. Roy Bodden:** Mr. Speaker, it was for the edification of the Leader of Government Business.

**The Speaker:** But I am still saying that I ask that you desist from going further into that. Let us deal with the public utilities commission. I am fully conversed on how they both work, and the benefits and disadvantages.

**Mr. Roy Bodden:** Mr. Speaker, I am sure you will understand when I say, I done with that!

**The Speaker:** Thank you.

**Mr. Roy Bodden:** Mr. Speaker—

*[Interjection & Members' laughter]*

**Mr. Roy Bodden:** Mr. Speaker, you know that the Minister for Education when he cannot have his way, he tries to upset and detract people, and you know that you are scoring points on him when he gets up on points of order. But I am on a mission and I won't be diverted from it. As I have said, this is the fourth time now and I hope when I leave it in the government's lap this time, if they don't do something about it, that it could burn a hole in their laps.

Mr. Speaker, I will say this: I expect that when the new government is sworn in the public utilities commission will be one of the things that they have as part of the journey. Indeed, I am assured by the Third Member for West Bay, that it will feature prominently on the agenda.

*[Members' interjections & laughter]*

**Mr. Roy Bodden:** So, even being a little tongue-in-cheek, Mr. Speaker, I have every confidence that the time has come for us to consider this. But I really don't have too high an expectation based on the track record of the current government that they are going to do anything about it—for obvious reasons.

Mr. Speaker, I thank you for your tolerance and I apologise if I tried your patience, but it is difficult not to take that position when you have the Minister of Education jumping up like a jack-in-the-box on points of order.

Thank you, sir.

**The Speaker:** I shall now put the question on Private Member's Motion No. 20/00. The resolve section reads as follows: **“BE IT NOW THEREFORE RESOLVED THAT the Government consider establishing a Public Utilities Commission to administer and regulate the**

rates of water, telephones and electricity in the Cayman Islands.”

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

**AYES.**

**The Speaker:** The Ayes have it.

**Mr. W. McKeeva Bush:** Can we have a division, Mr. Speaker?

**The Speaker:** I did not hear any Noes.

**Mr. W. McKeeva Bush:** There might have been one said that you did not hear, that is why I am calling it.

**The Speaker:** Madam Clerk, please call a division.

**DIVISION NO. 12/00**

**AYES: 12**

Hon. Donovan Ebanks  
 Hon. Samuel Bulgin  
 Hon. George A. McCarthy  
 Hon. Truman M. Bodden  
 Hon. Anthony S. Eden  
 Hon. J. O'Connor-Connolly  
 Mr. W. McKeeva Bush  
 Mr. John D. Jefferson, Jr.  
 Mr. D. Kurt Tibbetts  
 Miss Heather D. Bodden  
 Mr. Roy Bodden  
 Mrs. Edna Moyle

**NOES: 0**

**ABSENTEES: 5**

Hon. Thomas C. Jefferson  
 Hon. John McLean  
 Mr. D. Dalmain Ebanks  
 Mr. Linford A. Pierson  
 Dr. Frank McField

**The Clerk:** Twelve Ayes, five Absentees.

**The Speaker:** The results of the division: Ayes twelve, Noes 0, Abstentions 0, Absentees 5. The motion has passed.

**AGREED: PRIVATE MEMBER'S MOTION 20/00 PASSED.**

**The Speaker:** Moving on to Private Member's Motion No. 23/00, the Gross Domestic Product to be moved by the First Elected Member for West Bay.

**Hon. Truman M. Bodden:** Mr. Speaker, since it is about 7.45 PM, it seems to be the wish of the House, subject to your views that perhaps we should adjourn until tomorrow?

**The Speaker:** I frankly have no objections. We were trying to go until 8.00 PM, but if that is the wish of the House, I will accept the motion for the adjournment.

**ADJOURNMENT**

**Hon. Truman M. Bodden:** Thank you, Mr. Speaker.

I move the adjournment of this honourable House until 10.00 AM tomorrow. The question is that this Honourable House do now adjourn until 10.00 AM tomorrow.

**The Speaker:** The question is that this honourable House do adjourn until 10.00 AM tomorrow. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The House stands adjourned until 10.00 AM tomorrow.

**AT 7.39 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 8 SEPTEMBER 2000.**



**EDITED  
FRIDAY  
8 SEPTEMBER 2000  
10.56 AM**

*[Prayers read by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]*

**The Speaker:** Please be seated.

**Hon. Truman M. Boddan:** Mr. Speaker, I apologise to you and honourable members of the House for the delay. There was a matter that Executive Council needed to look at fairly quickly.

**The Speaker:** That's understood.

Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

## READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

### APOLOGIES

**The Speaker:** I have apologies from the Honourable Minister of Community Affairs, Sports, Women, Youth and Culture, who is today in Cayman Brac and the Fourth Elected Member for West Bay is sick.

Item number 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question number 62 standing in the name of the Third Elected Member for George Town.

## QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

### QUESTION 62

**NO. 62: Mr. Linford A. Pierson** asked the Honourable Minister responsible for Agriculture, Environment, Communications and Natural Resources to state the policy of the Water Authority in respect to the extension of water pipes to applicants wishing to be connected to the potable water supply system.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The Water Authority's policy with respect to the extension of pipelines to applicants who wish to be connected to the public water supply system is as follows:

The Authority determines whether the extension is required within public roads or within private property. If the extension is within public roads, the Authority makes a determination of whether the extension is financially feasible, based upon the cost of the extension to the Au-

thority and the projected income from the service connection. If the extension is determined to be financially feasible, then work is scheduled and is carried out as early as practically possible. Financial feasibility assessment includes whether the cost of the extension can be afforded within the Authority's annual capital expenditure budget.

If the extension is through private properties, then the applicant is asked to contribute part of the cost of the pipeline extension by paying standard rates for labour, equipment and road reinstatement. Once the applicant has agreed to meet these costs, then the work is scheduled and is carried out as early as practically possible.

## SUPPLEMENTARIES

**The Speaker:** Supplementaries. The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Mr. Speaker, just to preface what I have to say: It is with the understanding that the Authority is an autonomous body and that the honourable minister has responsibility when it comes to questions, but that the Authority makes its own decisions as an autonomous body.

With that in mind, I wonder if the honourable minister can tell me what the mission statement is of the Water Authority.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The statement is to provide water to the general public and sanitation is also one of the mission statements.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** It seems that the main mission statement of the Water Authority is to provide water to the general public. With that in mind, I wonder if the honourable minister can state whether there are any cases now where a refusal has been made for extension of pipes along public roads leading to private properties.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** We have at least one case where the public area adjoining a private property has been supplied with water and the private part is pending. I am not aware of which one the member is referring to.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Mr. Speaker, I was seeking to obtain the general policy position from the Authority. While I am on my feet, Mr. Speaker, perhaps the honourable minister could give some thought about the general policy position but at the same time he could state whether the financial feasibility position is something that is a discretion of the Authority or whether there is a policy on how that is applied.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The Authority tries to make sure that the best benefit goes to the greater number of customers and at the same time provides a return on the investment which it applies to the project. This is based on the same overall percentage that the Authority operates on.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I am basing my supplementaries on what the minister gave me as the mission statement, which is *to provide water to the general public*. If that is indeed the case, can the honourable minister provide the House with any information in regards to any pending applications now that have been refused on the basis of the applicants not being able to provide the necessary financial support for the laying of these pipes?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** We have at least two individual pending for some time and I would point out that especially one of those is a distance away where the public road ends. It was estimated to cost the Authority a large sum of money if it undertook to do the work all the way and it would take some twenty-one years—based on the rate of return of the Authority—to actually recoup what would have been put into that one.

**The Speaker:** Do you have a follow-up? The Second Elected Member for Bodden Town has been waiting.

**Mr. Linford A. Pierson:** It is a follow-up.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** It is interesting to hear the figures of *twenty-one years based on the expected rate of return*. I am sure the honourable member knew that I would follow this up. Perhaps he could tell me whether that is based on the usage of the water by one individual,

or whether in arriving at *that rate of return over twenty-one years* consideration was also given to the fact that there are a number of other households in that same area that could make this rate of return much more feasible for the Water Authority?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** Mr. Speaker, I trust that the member and I are speaking about the same road because the one that we came up with the number of years on was based on a normal rate growth on that road to come out with these figures.

**The Speaker:** The Third Elected Member for George Town, follow-up.

**Mr. Linford A. Pierson:** Mr. Speaker, please indulge me because you know I don't take advantage of the situation but I need to get this.

Mr. Speaker, it is interesting to know then what data the rate of return is based on. I would think that it would have to be based on the return of revenue to the Authority and that would then be taken over the capital expenditure of laying the pipe, thus arriving at the rate of return. And if there are a number of other individuals who would be providing revenue, perhaps the minister could then say whether laying the pipe in this particular area could improve that position for the Water Authority. That is the point I am trying to get across.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** Mr. Speaker, the figures which the Authority came up with in this case are based on the number of individuals—two I think—presently on the track of road that would need to be connected. Based on what the Authority has experienced and the time frame for hook-ups in the area is what we came up with for this. However, if the Authority was to undertake this, we could not do it this year because we do not have anything in the Budget for it.

#### SUSPENSION OF STANDING ORDER 23 (7) AND (8)

**The Speaker:** Before asking the next supplementary would you move a motion for the suspension of Standing Order 23(7) and (8) in order that we can continue Question Time?

**Mr. Linford A. Pierson:** Yes, Mr. Speaker, I so move.

**The Speaker:** I shall now put the question that Standing Order 23 (7) and (8) in order that Question Time can continue beyond 11.00 AM . . . can I have a seconder, please?

**Mr. W. McKeeva Bush:** Seconded, sir.

**The Speaker:** I will now put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. Question Time continues.

**AGREED: STANDING ORDER 23(7) & (8) SUSPENDED.**

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you for your indulgence, Mr. Speaker.

Based on the answer I received from the honourable minister it seems that consideration could be given if sufficient funds were in the budget. I wonder if the Honourable Minister can say—because this matter has been pending for so long—whether this matter could be included in the request of supplementary expenditures coming up in the next meeting of Finance Committee even if it has to be a loan made to the Water Authority to complete these projects.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** I would not have a problem with trying to expedite this. It has been pending for a while and I think it is left to us to try to do what we can to make it as speedily as possible so I will take whatever action necessary to try to have it expedited.

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** Thank you, Mr. Speaker. Having received representation from constituents who reside on the Frenchman's Drive in Breakers and also Belford Estates where a new subdivision is now under construction, could the honourable minister say what is the position with city water being piped to these areas?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** Mr. Speaker, we are faced with the same problem. Apparently, the person who developed that subdivision in question died before the roads were turned over to government so the roads remain private. The Authority has looked at it and based on what has been done in the past it has been hesitant to proceed. However, the matter has been before the Authority and we will have a look at it again and whatever can be done, we will try to do, as we are aware of that situation.

**The Speaker:** Do you have a follow-up?  
The Second Elected Member for Bodden.

**Miss Heather D. Bodden:** I am going to ask the honourable minister to please give the same consideration to this area as the Third Elected Member from George Town did with his area. Thank you, sir.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** I have taken note.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the minister tell the House if the position he outlined is the same position with regards to servicing some of the Midland Acres? Just yesterday I received requests from some residents in that area for piped water and complaints of their inability to access piped water.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** It is the same situation with some private roads. To refer back, I think, it was in the early 90s that the Authority tried going into private property and took a lot of criticism for it. For this reason, the policy was put in place.

Well, it seems as if the Authority will have to once again examine that policy and endeavour to supply the needs as much as possible where needed.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Mr. Speaker, I thank the honourable minister for that undertaking. I would also ask the honourable minister if he could give us the undertaking that the policy in being reviewed will extend to private property as well as public roads on the basis mainly of the mission statement, which is *to provide water to the general public*, whether they are on a public or private road.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** Mr. Speaker, I have taken note of what the member has said. The Authority will no doubt try its best to work within what is laid down in the law, and of course what is needed, because the member is aware that in the law it states that the Authority will actually supply where it's *feasible*.

I will give the undertaking to have this policy reviewed.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Mr. Speaker, I was hoping that we would have gotten something a little more that we could hold on to. I will turn this into a question, Mr. Speaker. The position being taken by the Water Authority is now based on their justification that this is being done under law. This is why I am wondering whether the honourable minister could give the undertaking that, yes, the Water Authority would review this policy with a view to providing water to the general public in the same way that water was provided into areas where it was not financially feasible such as East End, Cayman Brac and other places that needed water but where this was not financially feasible at the time but very necessary. I wonder if the honourable minister could give that undertaking.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** Mr. Speaker, that is what I said at the end of my answer last. I will give the undertaking to have the policy reviewed and we will do whatever possible to try to assist in these areas.

**The Speaker:** Are there any further supplementaries?

If not, we will move on to question number 63. I know that an apology for absence has been received from the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture, but I don't know if anyone has been asked to move the questions for her, or request a postponement.

The Honourable Minister for Tourism, Commerce, Transport and Works.

#### DEFERRAL OF QUESTIONS 63, 64 & 65

**Hon. Thomas C. Jefferson:** Mr. Speaker, I would ask that the questions set down for the Minister for Community Affairs be deferred until a later sitting.

**The Speaker:** The motion is that questions 63, 64 and 65 directed to the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture be postponed to a later sitting. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. Questions 63, 64 and 65 have been deferred to a later sitting.

**AGREED: QUESTIONS 63, 64 AND 65 DEFERRED TO A LATER SITTING.**

**The Speaker:** Moving on to Question number 66 standing in the name of the First Elected Member for George Town.

#### QUESTION 66

**NO. 66: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for Education, Aviation and Planning how many Caymanian teachers have left the public service since January 1999?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Eight Caymanian teachers have left the Public Service since January 1999. This figure of eight includes two retirees who completed their service in 1999 and 2000, respectively.

#### SUPPLEMENTARIES

**The Speaker:** Supplementaries, the First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the minister state of the six remaining, what were the reasons for their departure from the service?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** If I may be permitted not to give the names but I would just say: One from George Hicks High School requested a one-year leave of absence effective 1<sup>st</sup> September this year in order to pursue a course of study leading to a diploma in Theology.

One from George Town Primary had previously requested a leave of absence to deal with family matters effective 14 February - 1 July 2000 and that person resigned on 19 July 2000.

Another one from George Town Primary requested a one-year leave of absence effective 1<sup>st</sup> July 2000 as she got married and relocated to the country of her spouse.

Another from George Town Primary resigned on the 1<sup>st</sup> September 2000.

A teacher from Lighthouse School requested a leave of absence effective 1<sup>st</sup> September 2000 to go to the U.S.A. to deal with domestic and personal issues.

One teacher from Red Bay Primary School requested a leave of absence for the period, 7<sup>th</sup> January until 30<sup>th</sup> June 2000 then requested a further extension until January 2001 in order to deal with personal family concerns.

So, it appears from the six that were there, the reasons, with the exception of one, have been mainly family matters, leave of absence, this sort of thing.

**The Speaker:** Supplementary, the First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** So, of the explanations that were given regarding the six departures, can the minister (because he has the information in front of him) say if any of

them have indicated that they will return to the service after a period of time?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** So far, two have indicated that they would return. One of them is conditional that the spouse could find work. I should mention, the one where I gave no reason, she has left to become a missionary and I guess will probably not be returning.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Anticipating that, resource staff will have figured that this might be coming, I will risk asking the question: can the minister state how many Caymanian staff are in the service at present out of the total complement?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I don't have a specific figure and my instructions are that it would be better not to give an estimate on that so I would undertake, sir, to get an accurate figure for it.

I would just like to mention though that I hope the member appreciates that I have given as much as I can on the reasons for this. I just don't have that at present and I will get it to him.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, the honourable minister does not have to worry that I misinterpret him not being able to give certain information this time. Could the minister, while he is giving that answer in writing, also get the information about the total complement and if there are any posts that are not filled at present? Also, could an amount be given of how many Caymanians are now being trained to come into the service as *trained* teachers?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I can get that information. I would just like to repeat again that any Caymanian wanting to be a teacher is given the highest priority. Teachers and nurses are on the top of the list with the Education Council, as you, Mr. Speaker, know.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, just a final supplementary. Could the minister undertake to have that in-

formation available before this meeting is over as this is the final one?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Yes, sir.

**The Speaker:** Any further supplementaries?

If not, we will move on to question number 67 standing in the name of the First Elected Member for George Town.

## QUESTION 67

**NO. 67: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for Education, Aviation and Planning to give an update on the proposed new airstrip in Little Cayman.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** A tribunal hearing held on Cayman Brac on 23 May 2000, dismissed the objection filed by Mrs. Janet Walker to the Development Control Board's planning permission for the proposed airport development project. Preparations are now being made to have the site cleared. Prior to commencing any physical clearing of the site, extensive survey works must be carried out to establish the boundaries of the Crown and other adjacent properties. Instructions have been given to the Lands and Survey Department to organise and co-ordinate the survey works. It is estimated that the survey works will take approximately six to eight weeks. Upon its completion, works to clear the site will commence.

## SUPPLEMENTARIES

**The Speaker:** Supplementaries. The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** There are a series of short supplementaries so I crave your indulgence, sir, as some of us are not quite up to speed with all of the information regarding this, so if I may continue.

First of all, understanding that this project is one that will be under the umbrella of the Civil Aviation Authority and not directly handled by the government, can the minister state—bearing in mind what has been given by the answer, where certain works are anticipated to begin—whether the Civil Aviation Authority has final costings of the project? And, what body is it that authorises such a project to move on? Is it Executive Council or who is it? And if they have costings on the project what type of financing has been arranged thus far?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** This follows the course of the civil service type of contract. It has to go to the Central Tenders Committee and they will award the contract. They will also require to ensure that once they do an award that the finance is in place, or the guarantee from here, or where the guarantee is not needed then basically once the Central Tenders Committee awards it, the Civil Aviation Authority would then move on without the guarantee if the financing can be put in that way.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, as I suspected I will not try to ask more than one because it is going to get muddled. So, if you don't mind, sir, I will simply ask one at a time. Can the minister state who authorises as a matter of policy for the Civil Aviation Authority whether the project should go ahead or not—not the procedures that follow—the policy decision as to whether the project is a go or not?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The question of the contract going ahead would have to come from the Central Tenders Committee on the award, the Civil Aviation Authority—

**Mr. D. Kurt Tibbetts:** Mr. Speaker, if I may interrupt the minister—because he is certainly not understanding what I am asking. Perhaps I have not been very clear—if I may?

**The Speaker:** The First Elected Member for George Town, please explain.

**Mr. D. Kurt Tibbetts:** Thank you, sir. I am not asking the process through the tenders committee as the minister has explained. If I am going to build my house, the house is mine and I am the one who decides what I am going to do when I check out all the feasibility, whether I can get financing, or whether I have enough money or whether I can afford all of that. That's the only way I can explain it, sir.

I want to know who decides on whether the airstrip should be built in Little Cayman or not.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, this project would be approved by the Civil Aviation Authority. What I was just trying to find out because of the stage it is in, is, whether it did in fact come to Executive Council some time back or not. But it is obviously something that the government should know about. I will have to find out about that aspect of it, but possibly until we have a

clearer idea of costs. At present we don't know cost. I think what happens then is once Civil Aviation Authority approves it then it would go to Executive Council. But it has not reached that stage.

*[Inaudible comment]*

**Hon. Truman M. Bodden:** We only have preliminary estimates. We don't really have final costs on this.

**The Speaker:** Do you have a follow-up?  
The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** As I said, Mr. Speaker, because I knew this was going to be like this that is why I crave your indulgence from the beginning. I don't have a problem if anyone else wants to ask anything, but I have to do it this way to get what I want to understand. I know of no other way, sir.

The minister has said that he guesses that Executive Council should know about the project. And, I am taking the position right now that he is doing that because he is hedging. I am going to ask him directly, sir, because he is a member of Executive Council and he would be the member bringing the paper to Executive Council as the minister responsible.

I am asking the minister on whose authority is the project going ahead? The answer to the question states the various steps that are going to take place—it has gone to planning, there has been an appeal. I am not deciding on the rights and wrongs. I want to understand and I am asking the minister now, who authorised that the project should go ahead. Someone must have, for it to be at this stage.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I am not really hedging but this project has been up and down for so long that I could not remember exactly. I am going to give you the answer now because it took a while for the director to find it.

The site went to Executive Council sometime in September of 1997. That is how far back this has been going and we approved that site. When we applied for planning permission there were objections and only recently have they been cleared up. I apologise for not remembering back to 1997, but I am afraid that as I get older my memory is not as good as it used to be when I was younger.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Okay, the minister has just said that the site went to Council in September of 1997 and was approved. Is it fair to assume that if Executive Council approved the site that they also gave the project their blessings? You cannot separate one from the other;

you cannot approve a site and expect the site to just stay there empty.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, subject to actually looking at that minute I would say, yes, Executive Council has approved the project and the site. The paper sets out some estimates and that sort of thing, but obviously we don't have any final costing.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank God we are over that hump now. We understand that the project has been approved.

Now, in the answer it explains the objection process and tribunal hearings and so on. The answer goes on to say that approval has now been granted because the objection and the appeal have been discarded.

It goes on to say, "**Preparations are now being made to have the site cleared. Prior to commencing any physical clearing of the site, extensive survey works must be carried out to establish the boundaries of the Crown and other adjacent properties. Instructions have been given to the Lands and Survey Department to organise and co-ordinate the survey works. It is estimated that the survey works will take approximately six to eight weeks. Upon its completion, works to clear the site will commence.**"

We now understand to the point where the site will be cleared. Can the minister explain to us what happens after that?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, after that, engineers will have to come in and do the specifications and whatever the technical side is for the project.

After that a project document would be prepared and that would then go for tender through the Central Tenders Committee. We have chosen throughout to follow the civil service process on it. So, it is not going directly to the Civil Aviation Authority to award the contract. The Central Tenders Committee will do that, sir.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I think we are nearing the end now. Understanding all of that and that government has basically given the project its blessing, is it fair to assume then that once the process that the minister has just explained takes place, that the financing and all of the other arrangements are simply a matter of time to get organised because it will happen?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I cannot say that it will happen. In the normal course of things once the tender is out and they have a specific amount, the Director of the Civil Aviation Authority would then have to make arrangements on the financing, either from within the Civil Aviation Authority or through external sources through a bank. Is that the line—I am not certain what the member is getting at, but once he (the director) knows the amount he will then make arrangements to have it financed. The Tenders Committee will have to be satisfied that the guarantee is in place, or the financing of whatever is needed, otherwise they will not award the contract.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Let me rephrase to make it specific. Assuming that the Civil Aviation Authority has the ability—which obviously it believes it has otherwise it would not go on with it this far. Assuming the Civil Aviation Authority has the ability and the wherewithal to meet all the requirements to go through the due process and have everything arranged, can the minister say if there is anything then that would prevent the project from happening?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** No sir, I don't see anything that would prevent the project from happening. I mean we have the planning approval now. Once the contract is in place and the finance is in place it should move ahead, I would think.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Before I tempt you too much I think I am right there now.

So, is it safe comment to say then that the government has given this project its blessing and that the Civil Aviation Authority is in the process of going through the various stages that are absolutely necessary to bring the project to the point of being tendered and a contract being awarded? Once the tenders are received and financing is secured, a contract will be awarded and there will be a new airstrip in Little Cayman.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Mr. D. Kurt Tibbetts:** Why must you always think that I have *[inaudible completion of comment]*

**Hon. Truman M. Bodden:** *[Laughingly, in response to comment]* That is an opinion but if the member would like my opinion on it, yes, that seems to be a fair assumption. I don't foresee anything unless the member knows something I don't know. But yes sir, I would think it will be done there.

Let me say, sir, that the thing that had to be looked at by the director of the Civil Aviation and the Civil Aviation Authority and the government has really been that this airport has to be upgraded to bring it in line with certain international air transport association and other international standards, and also the safety requirements for international airports.

Also to say, sir, that the airport will be about the same length as the present one and will take light aircraft. Cayman Airways jet and that sort of thing cannot go in there, it will be a 3000-foot strip. It will have planes of substantially the same size, but it is impossible for the big jets to go in there.

**The Speaker:** The First Elected Member for George Town, last supplementary.

**Mr. D. Kurt Tibbetts:** Can the minister state once this new airstrip is completed whether the government would seek to continue to use the existing one for any purpose whatsoever, or whether Civil Aviation Authority and all of the other agencies will simply relocate and there will be no need for the use of that existing airstrip.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, that present airstrip is privately owned now, and once the other airstrip is completed then I would think there should be no need for it. I guess, if they wish, they may; I don't really know. It is better for me not to give an opinion, but it is their land, their airstrip and I guess it is up to them what they wish to do with it.

**Mr. D. Kurt Tibbetts:** *[Inaudible comment]*

**Hon. Truman M. Bodden:** No, no, that's right. Well, I mean Government will be using its own airstrip for whatever it needs to do.

**The Speaker:** That concludes Question Time for this morning. Moving on to Item number 4 on today's Order Paper, Other Business, Private Members' Motions, Private Member's Motion No. 21/00, Establishment of a Student Summer Employment Agency to be moved by the Third Elected Member for Bodden Town.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

### PRIVATE MEMBER'S MOTION NO. 21/00

#### ESTABLISHMENT OF A STUDENT SUMMER EMPLOYMENT AGENCY

**Mr. Roy Bodden:** Thank you, Mr. Speaker. I respectfully beg to move Private Member's Motion No. 21/00 entitled Establishment of a Student Summer Employment Agency standing in my name, which reads as follows:

**"WHEREAS the number of students resident in the Cayman Islands who continue to seek Tertiary education is increasing;**

**"AND WHEREAS these students look forward to being gainfully employed during their holidays;**

**"AND WHEREAS there is now no co-ordinated or organised system whereby students seeking such employment can be systematically placed;**

**"AND WHEREAS many students find it difficult to obtain meaningful holiday employment at present;**

**"BE IT NOW THEREFORE RESOLVED THAT the Government establish a Student Employment Agency which will organise, co-ordinate, structure and place students in meaningful jobs during their holidays;**

**"AND BE IT NOW FURTHER RESOLVED THAT the Government explores the feasibility of establishing such an agency as a joint venture with the private sector, taking advantage of the resources available from the Chamber of Commerce and the Overseas Students Association."**

**The Speaker:** Do we have a seconder?

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Yes, Mr. Speaker, I rise to second that motion.

**The Speaker:** Private Member's Motion No. 21/00, Establishment of a Student Summer Employment Agency has been duly moved and seconded. Does the mover wish to speak to it?

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I feel kind of argumentative but I am not going to be obnoxious so I want to begin by asking honourable members to take note of this: The Minister for Education in an attempt to preserve his position and consolidate himself at times like these where he may be under threat of survival is quick to get up and say that all we like to do is level criticism and not offer solutions.

And, I am going to quote him, *"talk is cheap,"* he says. Mr. Speaker that is true and that is relevant and appropriate even in his case, talk is cheap. I want to note that this is a constructive attempt to improve a situation which can take improvement and also to send a graphic and cryptic message that the Minister of Education does not have any monopoly on creating solutions to this and any other problems in this country.



Now, if that member wishes to retort, I will give way, otherwise I am going on.

**The Speaker:** Please continue.

**Mr. Roy Bodden:** Mr. Speaker, I believe that this is a constructive effort to provide a service which I think will be appreciated and prior to formulating this, the seconder and I . . .

Mr. Speaker, I wonder what kind of business this is, I am not talking to an empty parliament, sir. Mr. Speaker, it is a mark of disrespect to the honourable member speaking that he has to speak to an empty Chamber. I draw to the Chair's attention the fact that the House does not have a quorum.

**The Speaker:** I thank you. Sergeant-at-Arms, please summons a quorum.

**Hon. Truman M. Bodden:** Mr. Speaker, I would just like you to note that I am here.

**The Speaker:** I must remind honourable members I can only wait five minutes and then I must adjourn the House. Please continue Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. At least, I stopped the Minister of Education from leaving.

*[Inaudible comments and laughter]*

**Mr. Roy Bodden:** Pardon? I am only answering for myself. See my colleague here?

Mr. Speaker, thank you, sir. I believe that this attempt to set up a summer employment agency for students is necessary. It is based on the fact, as I was saying, that the seconder and I thought that it could improve the system—which now we have to be grateful that our students find employment but operate on a rather informal and ad hoc basis.

In researching this motion we found out that it is not, and will not be unique in the Cayman Islands to have such an agency established. Indeed, in other jurisdictions, in Canada, for example, they have what is called the Federal Student Work Experience programme, which I won't go into because I would not want to steal thunder from the seconder. And in other countries as well, New Zealand and some of the other developed countries they have these organisations.

Let me say that the core of this programme I would see as being some form of computerised inventory or data bank which has as its base the biographical information regarding those students who would seek to take advantage of such an agency. The advantage this would have over what currently happens is that students would be able to be placed not just in any job, but a job in direct relation to their course of study and discipline if they so desire. For example, students studying finance, business administration and accounting would be able to be

placed in firms where they would gain experience relative to those disciplines.

So what would happen would be this: Most students who attend colleges and universities now have access to computers. There would be a central inventory or data bank in the Cayman Islands and we requested—the Resolve says that the venture be set up as a joint venture between the private sector and the government.

Mr. Speaker, I called the Chamber of Commerce and the Manager, Mr. Will Pineau, told me that they would be happy to lend assistance bearing in mind that they have contacts. Many businesses in the private sector are members of the Chamber of Commerce.

My colleague, the seconder, also reminded me that another important facet in this would have to be the Overseas Students' Association which will have a data bank and have contact with students studying overseas.

So, as I see it, the ideal situation would be to set up this central inventory or data bank somewhere within the Department of Education—the department rather than the ministry—because I think it is more eminently equipped to deal with this kind of thing rather than the ministry. Perhaps, it could emanate out of the office of the Secretary to the Education Council, or out of the Education Council's office. It would probably not need any additional complement, but if it does, it would probably not need any more than one person. We are not talking about any kind of heavy expenditure with a whole pool of people: only one person.

So, what would happen as we envisage it, would be that these students would send in the relevant biographical information to this inventory or data bank: name, age, college at which they are studying, area in which they are majoring and specialising, and of course times that they would be expecting to be in the Cayman Islands. They could include, although it would not be absolutely necessary, some ideas about what kind of work experience they see as complementing their course of study. And for ease of placement, some references such as a professor under whom they studied closely, or some other person who could attest to their characters and abilities.

So, this information would be fed into the inventory or data bank and there would have to be some ground rules. One obvious ground rule may be that first come, first served. That means that if your application is in early you stand a better chance of being placed early. And then we would have the system where those people who are doing courses and degrees relative to the public service, for example: human resources, public management, public policy, and public administration could probably be placed within the government service, the Glass House.

People who are doing teaching would be similarly placed either in the Education Department (if they are doing administration or something), or depending on what time they come, if schools are out, then they could probably be doing some kind of ancillary or affiliated work within the Education Department.

So that there would be this information, there would be a website. Students could access the website themselves, e-mail address, and they could keep almost in daily contact, if necessary, with this department. I would like to see it operated as a section of the Education Department rather than this particular thing being handled by the private sector.

Here is how the private sector would fit into it: The various entities in the private sector could make known to the Education Department and this inventory and data bank how many positions they would have available for the summer. For example, Deloitte and Touche may say, *'Well, for the next summer we would see that we could take on ten students in these categories'*. KPMG might say *'We can take five'*. Maples and Calder, for example, *'Yes, we could take eight'*. That information would then be fed into the central inventory or data bank. These private sector entities would not have to deal with the students directly because they may say, *'Well, we probably don't have the time'*. The central inventory or data bank operated by the Education Department would place the students—*'Yes, Mr. Roy Bodden, we are sending you to Maples and Calder. You are supposed to start on June 15<sup>th</sup>, you will be working in this department and you should get in contact with Mr. Kurt Tibbetts. This is his telephone number. Please confirm with us if you are able to take up this appointment as we have proposed.'*

It would be set out that way so that it would be a minimum of inconvenience to the student who may be busy doing exams or preparing for his return home. And also a minimum of inconvenience to the firm in the private sector possibly saying that they are too busy to keep tracking students and they have no time to be dialoguing with people, pampering people and catering to their tastes.

Users would have to understand that it is a pretty much take it or leave it. In other words, *'Well, I don't like that person. I want to go somewhere else.'* Once you are placed there it would have to be the most convincing or extenuating of circumstances which would afford you the opportunity of choosing. Mr. Speaker, I envisage that this, if it is organised properly, is going to be very popular indeed.

So, people would have to understand that, first of all, it is not a question of choice because this is not now settling in for a career thing. This is just temporary holiday. So, the primary objective would be to provide experience and at the same time afford students the opportunity to earn some income that could help them when they return to their campuses.

I don't want to convey any impression that they would have a choice of ten different places. That would be good if that could be the ideal but it may not work that way. It may be so tight that you may not have a choice easily. Certainly, considerations would be given to preferences, but we may not be able to entertain three and four choices.

Now, in Canada and in other jurisdictions there is even a base rate and wage scale. I don't know how sophisticated we choose to get, Mr. Speaker. That is for the

people who set the programme up. I am merely giving some ideas. But certainly one would expect that since one of the objectives is for the student to earn some money in order to take back to help tide them over expenses when they return to college, that they would be paid an attractive wage or salary.

That could be based a) upon the level of studies they have reached. For example: it could be logically expected that someone in his final year would be earning a little bit more than someone in the freshman year. And, someone who is a graduate student working on a masters degree or a doctorate degree would certainly be expected to earn more than someone who is just on the verge of completing a bachelor's. Then when you get into areas of professionalism, for example: engineering, law or accounting, then it could be structured accordingly. There would certainly be a base rate which in and of itself would provide some attraction.

Now, it is of critical importance because the second order also brought to my attention that in this pool we would also like to include students who attend, for example, the Community College of the Cayman Islands and the International College of the Cayman Islands—the local institutions. We would not wish to discriminate. So, I want to make that clear from the outset that we would hope that we could include that.

That is how we see it being set up. The students as I have said would be able to deal directly and have an established website with this inventory and data bank. Once registered, the onus would then be upon the student if there were any changes. For example, one may have changed the discipline, the area of study—or one may have changed his major, as they say on the college campus. The student would be responsible for informing the inventory or the data bank of this significant change and the necessary alterations and adjustments could be made.

We envisaged that the placements could be made so that the students knew before departing the various campuses, or before school closed for the various holidays, exactly where they would be going and for how long. They could calculate what their earning power would be for that period and this would enable them to make the budgetary adjustments and calculations that are of critical necessity to students.

Now, Mr. Speaker, in the long term an obvious and added advantage would be to those persons who do so well that they impress their employers; they would be in direct line for permanent placing when they have finished their courses of study. So, that this is not only beneficial in the short term, but is adequate and affords glorious opportunities for persons who are conscientious to earn the respect and impress the persons with whom they work of their abilities and maturity to acquire permanent employment once they are finished. So, there are both short-term and long-term positive factors in this system.

I underscore that point because I want to come back to something, which I hold that we should be thinking about and moving towards. That is, we should now be getting away from this system of requiring every student

who goes away on a government scholarship to be bonded to come back to work with the government.

So, I want to say to the honourable house that this system that we have proposed here serves a multiplicity of purposes. If it works well, it will enable us to gain some kind of empirical evidence to have some kind of measurable and quantitative elements of whether it is a step in the right direction to remove the requirement of students accessing government scholarships, coming back bloating the civil service even when they would desire to work in the private sector, or for themselves, for that matter. So, as simple as it is, this employment agency would be serving a multiplicity of purposes.

Now, Mr. Speaker, I want to say something else that I think is of importance. The inventory or the data bank would not have any deadline for applying for applicants, for receiving applications other than students would have to understand from the beginning that it is a first come, first serve; there would be no deadlines. I think that deadlines in this case would not work well. We don't want anything that is going to create, a backlog, or any kind of crisis. The only caveat is that you have to realise, *Look, if you want a job for the summer it would be advisable not to wait until that particular summer you want the job, to apply for the job. The quicker you get your information in the data bank and register, the better it would be.*

Mr. Speaker, programmes are available so that the computer can be set up to automatically let you know for example: after four years Roy Bodden's name would fall away. So that if there were any extenuating circumstances that my name would have to stay on beyond that, then I would have to re-register.

That in itself is good because it may be that someone has completed a certain degree and gone on to graduate studies and so in that case you would have to re-register, or that someone has fallen away because he has graduated and moved into permanent employment. That is how you would create space and be able to know how many students you could easily service; that is how you would gauge the success of the programme and assess your ability to manage at a level which was efficient.

I see this, Mr. Speaker, as also helping us in Cayman; it could be used as a source of reference for the Public Service Commission when they receive applications from persons wanting to work in the public service. If someone finishes and applies to the Public Service, he has an immediate reference in this inventory or data bank. Similarly too, it could be a good source of reference for those persons who want to work in the private sector—*Yes, this person was registered here for three years. He demonstrated stable and mature qualities.* That alone to come up through this employment agency would be a plus.

Mr. Speaker, the Chamber of Commerce could play a role. I would envisage them organising the private side of it. The Chamber of Commerce could say, *Yes, we have fifteen members who are willing. We will contact them. These are the names of the firms. These are the*

*places they would make available and these are the scales in which they would pay.*

The Chamber of Commerce would be responsible for getting the information from the private sector from those of their members, and would give that information in block to the data bank or the inventory so that all the Education Department data bank would have to be worried about is that of the government sector. They would then contact the various ministries and departments in government and collect from the government side. The Chamber of Commerce would collect from the private sector side and send that over to the inventory or data-bank.

The Overseas Students' Association would contact their members and ensure that they know that this service is available; ensure that they have the address of the website; ensure that they update the website and even help to co-ordinate the affairs. Perhaps, they can send at peak times some volunteers to the inventory or the data bank. For example, around the end of May or the beginning of June when students are returning from college, the Overseas Students' Association with their contacts can send someone to help the inventory or the data bank place the students and follow up on them.

I want to say also that the work of the inventory or the data bank is not finished once the student is placed in employment. What they would then have to do is to ensure, *Yes, we have Roy Bodden working over in Firm X. We are going to ensure that everything is alright. Has he settled in? Is he doing well?* And at the end of the summer we request a report from them, *Well, was Roy Bodden late? Was he efficient? Was he able to perform the task given?* It is necessary to keep those kinds of records so that you will say, *Boy, Roy, next summer you have some things to work on. You have to shape up. You were slow. You did not fit into the organisation. You came late.* These are things that you need to work on so that the data bank itself has these records. So it is a comprehensive kind of system.

Mr. Speaker, what got me really thinking about this is that listening to debates inside here and being cognisant of the strides and improvements we are making in education . . . because, Mr. Speaker, in spite of my differences with the minister, we are making some improvements. I realise that it is incumbent and it behoves all of us to add whatever we can add to help the system work efficiently. Because that is our responsibility and obligation, and there are those of us who look forward to doing that. We can take all the one-upmanship and brinkmanship that the minister sometimes indulges in and plays, and even the sympathy that he keeps looking. But all of us have an obligation to help him to do his job better. I want him to realise and to respect that. Mr. Speaker, you know, I cannot resist this one—Even though talk is cheap, as he says, we do bring about solutions.

I was at a meeting one evening and a gentleman came up to me and lamented the fact that he had two children at college and they were not able over the past summer to get summer employment. Probably through

no fault of their own: It is just done on an ad hoc basis and all those participating in the exercise at present have nothing but the noblest of intentions and sincerity. But I think now with the numbers being increased and being significant, it is time we evolve a system that we can know. Here are the steps to follow. You want employment? Register! It inculcates in the students, the users and the potential users of the system a sense of responsibility too because then they cannot say if they did not register they cannot complain that they were unable to get employment. So, I had the greatest of sympathy for this gentleman and I went home that evening and said, *'There must be something which can be done'*. I called my colleague and running mate and said, *'We have to find out something'*. After cursory discussion with him, I came and I discussed it with the seconder and this is what we arrived at.

Mr. Speaker, I would hope that the government sees fit to accept this motion and I am assured because I spoke with about five or six young people prior to formulating the motion, asking them what were their experiences and would they think an agency like this would be practicable and beneficial. The response was an overwhelming enthusiasm and approval. They said that it is the answer that is needed. They said, *'Well, you know, persons come back and they get jobs but the jobs have no meaning because they work in areas they have no interest in'*. Even when it comes on the wages or the money that they make, it is irrelevant, insignificant. It is just a matter of being employed.

I want to underscore something else that I think is positive about this. Not every student might see fit to take advantage of this because sometimes students come in the summer and they have assignments or projects that they work on and they have to do field work and field research as well as some students opt for summer school.

I am reminded of something that the seconder brought to my attention. Not only is it good for the summer but it could be workable and applicable to any holiday in which the students have the time and there is space available because some institutions' holidays vary significantly from others; around Christmas time some institutions get longer holidays than others. And, particularly, it would be suitable for students who study in institutions on a semester basis where students might find it convenient to sit out a semester, for whatever reason, then they could have continued employment. So that this, in addition to other things, could be a real flexible system.

I believe that it would complement the efforts currently undertaken by the Education Department. It would be a step in tandem with the direction in which the ministry is moving. It would serve to galvanise the efforts of our students, than those entities in the private sector which seek to employ the students gainfully so that they may have relevant experience, so that they may be able to marry theory with practical and on-hand experience. At the same time, it would give them a sense of feel for what the working world is like.

Mr. Speaker, I am not going to get into this now, but this is a step in the direction to which I eventually want to move. That is, I would like to see in this country a national mentoring programme set up. So, if I am returned as I expect to be, God willing, after November 8<sup>th</sup> that is the next move I am going to make to bring a motion here, or a bill—depending on where I am—calling for the establishment for a national mentoring programme so that we can identify and offer on-hand experience to those persons who demonstrate leadership abilities and capabilities.

I want to say that in spite of what some people on the government side think, there are those of us on this side who have a national vision of where the country should be moving in terms of its youth; in terms of its education and in terms of its preparation for the next generation of leaders.

Mr. Speaker, I would not sit down without self-indulging a little, although I don't usually do that. I pride myself on the fact that I have been steeped, the family from which I come. My grandfather told me that one day I would have to carry the torch. I would be the name bearer just like even now I am preparing my son because I might die. At seven years old, I tell him the realities of life that he will have to take over from me. The quicker and better I prepare him, the easier it will be when the point of transition comes. I would hope that it would play out naturally and that I might live a normal life span but it might not play out like that, so I have to prepare him.

So, Mr. Speaker, we would be ill advised if we believe that we are going to be here all the time: if there are not new people. Dynasties are established by those who realise that they should set in motion ways and means for their successors to come up easily. So this is a way of preparing the next generation of leaders.

Thank you.

**The Speaker:** The floor is open to debate. Does any other member wish to speak?

The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddin:** Mr. Speaker, I am wondering whether we may be able to take lunch now, sir, and then I could begin right after.

**The Speaker:** It is a bit early but if that is the wish of the House (*pause*) I shall suspend proceedings for lunch until 2.00 p.m.

#### PROCEEDINGS SUSPENDED AT 12.23 PM

#### PROCEEDINGS RESUMED AT 2.21 PM

**The Speaker:** Please be seated. Private Member's Motion No. 21/00, The Establishment of a Student Summer Employment Agency. Does any honourable member wish to speak?

The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I would like to begin by saying that we support this motion and commend the mover, the Third Elected Member for Bodden Town and the seconder, the First Elected Member for George Town with bringing this.

Mr. Speaker, I agree and support the majority of the recitals which are the whereas clauses. However, I must say that the clause that says, and I quote, **“there is now no co-ordinated or organised system whereby students seeking such employment can be systematically placed”** is not fully so. The fact is there has been a summer internship programme in place at the Education Department since 1992—a very important year for the mover and me. That was the year that we all came into this House with a fresh government. During the period 1992 to the summer of 2000, a total of 511 students were placed—511 students in the past eight years.

What I would like to do now is to just deal with this programme which is very ably run by Mrs. Lillian Archer and who has really done a superb job with the placing of those 511 students.

Through the summer internship programme all university students were invited initially back in 1992 and 1993 to register for placements in various establishments in Government and in the private sector. Every effort was made to ensure that students were placed in appropriate positions to enable them to gain experience in their various areas of career choice as well as interest.

[Since] the programme began it has moved from placing between about 45 in 1993 to 90 in the year 2000. In other words, it has doubled in its placements in the past few years. Registration for the programme commences each year in March and concludes in August when students return to their universities or colleges, having worked from May to August, or June to August and in special cases from May to June.

The programme is designed and operated, sir, to meet the needs of all Caymanian university students applying, and to place college students wherever possible. Non-Caymanians are placed in special situations where their parents have shown much interest and commitment to our children in their contracted duties as teachers or social workers. This category in placement has not exceeded eight in relation to non-Caymanians in any given year.

The main goal of the programme is to enhance the overall quality of the supply of indigenous tertiary level persons for the local labour market.

The purpose is also to provide a meaningful structured programme for summer work experience for Caymanian university students on government scholarships or otherwise—so it is not restricted to persons on government scholarships—to enable them to gain practical knowledge of, firstly, better preparing and equipping themselves for the labour market; [secondly], feedback into their academic studies; thirdly, help them to define or redefine their career goals.

Mr. Speaker, the objectives of the summer programme are fourfold. They are to place as many eligible students who apply for summer jobs which are relevant to their respective fields or study and under adequate supervision in the public and private sector as appropriate.

Secondly, to offer targeted career counselling on request for students in the programme.

Thirdly, to develop links where possible with participating students' institutions to enable summer experience gained to be recognised by those institutions. So, where this can assist the student in the college, the work experience is also used.

Fourthly, to gain insight into the quality of output from the tertiary level institutions attended by Caymanian students.

Mr. Speaker, the time has come, I believe, to take the summer internship programme out of the Education Department and to place it in a career development and advisory centre. This has to be in my view the way that this will develop.

Honourable members will recall that such an entity is called for in the education strategy of the ten-year National Strategic Plan, Vision 2008. And, it was mentioned, sir, as one of my ministry's goals for 2000 in the Throne Speech early this year and this is actively being pursued. In fact, the only thing that is holding it back now is the proper accommodation. So, I believe that this movement to put it in a career development and advisory centre is the right way to go with it. And it is definitely, sir, in line with the education strategy of Vision 2008.

We are planning to have a room with Internet access. The honourable mover of this motion stressed this as well, sir—and I fully agree with him—where students and potential students can consult universities and colleges' prospectuses and with them, in fact, they may well be able to register on line which now happens.

We intend to increase the services to students such as the orientation session which I understand the Third Elected Member for West Bay mentioned yesterday morning.

Mr. Speaker, the reference to the outlining of the data bank by the honourable member is in my view a good idea and the department is moving towards being, if I may put it this way, a model of users technology: this has to be the way to go. The plan calls for strengthening of the careers advice at the high schools and to extend this to the junior high. This I believe, sir, is important because the counselling that is done at those levels is very important to the student as he or she moves on with his or her respective career.

Above all, university and college students will be able to get increased counselling and support on an individual basis, very important. In a programme such as this there must however be communication and links with other agencies such as the Labour Department. Exactly how this can be done is now under consideration. Mr. Speaker, I support fully what I believe is the intention of this motion under the first Whereas clause.

The second Whereas clause calls for the establishment of such an agency and also in another part it refers to a joint venture, and the Member mentioned this, with the private sector and especially with the Chamber of Commerce and with the help of the Overseas Students' Association which is now the Cayman Islands Students' Association.

I support this wholeheartedly. I agree with the mover and seconder that this is the way to go with it. However, education cannot be the sole responsibility of the government and I believe that we do have a private sector which has shown and demonstrated to us on a daily basis that it has commitments to students in the Cayman Islands. We have merely to look at the *Caymanian Compass*, for example, or the new *[Cayman] Net News* and we can see that there are a number of scholarships. You get equipment and other matters that the private sector are giving or supporting. I agree, sir, that goodwill with the private sector is very important to this programme and to the islands generally that it should be co-ordinated to maximise its effect and to ensure that every young person in these islands has the opportunity to reach his or her maximum potential in this society.

I believe members here will recall a presentation that was made to them last month on an implementation initiative called Public/Private Partnership in Education and Training or P3ET. This is a new project and one of its objectives when established will be the oversight of just this type of partnership that we are talking about to include such programmes as student monitoring, work experience and work shadowing.

So, I agree that the student summer employment programme needs to be expanded. It needs to be strengthened and in keeping with its present objectives of the internship programme, the students need feedback into their academic and other studies and support to either define or redefine their career goals as they regard and feel appropriate towards them. I believe this can be accomplished through a careers development and advisory centre established under the ministry and as an offshoot, I suggest of the Education Council. I am looking forward to this sort of redefinition of the role of the Council and I also believe that this strengthening will serve the university and college students tremendously.

So, once again the government supports this motion. This is another piece of the plan, sir, to further develop our education system which began with the five-year Education plan and was followed by site-based planning, followed by the establishment of the independent schools inspectorate and the \$50 million capital programme which will see four new schools built over the years.

Also, the alignment with the Vision 2008 education strategy and the introduction of a national training initiative which will encompass the careers advisory centre, the P3ET programme and investors in people which is the training standard that will be established for the training and development of our people in the work place. It is another important segment of the overall education of

our people towards seeing that they reach their fullest potential within the community and the work place.

Mr. Speaker, I would like to take this opportunity to thank all honourable members in this House for the interest and support that they have given to my ministry in the area of education and otherwise. While I know we have not always agreed on things and we very rarely agreed on timing, I believe it is fair to say that in this House we have always had a common goal and that was to maximise the potential of our people.

I would also, sir, like to thank very heartily the private sector for the support which they have voluntarily given to keep education and training a top priority in the Cayman Islands. I look forward to this continued support as we continue to build a strong education system as a foundation on which continued peace and prosperity for all the residents of these three Islands will rest.

I would like to also, sir, lastly thank the mover and the seconder for bringing this motion and to once again state that we support this motion. Thank you.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** Mr. Speaker, I don't intend to be long but this is a worthwhile motion: one that I think can have good effect on our children. I just want to make the point that I have long called for a proper Careers Counselling Unit. I believe then and I believe now that the same way that we have an Education Council and a secretary of that Education Council, we should have a similar set-up for a careers advisory centre. I heard the minister mentioning this, but up until now it is not done.

It can be to disseminate information on scholarships which are available—public and private—but its main objective, of course, would be to give advice on careers, to start from middle school level with heavy emphasis in Grade 10 or thereabout before the students select subjects to be studied in Grades 11 and 12. I keep saying its so important that students be able to select subjects that are relevant to their chosen careers because we don't want students starting off wanting to be a doctor then end up mid-way with something else because they did not make the right choice in the first instance.

I raise that point to say that what is being asked for here, this student employment agency, is where a careers advice service would come in, because if the government sets up this agency, students could then be placed in jobs that are in the stream of what they intend to go to university for. Of course it would be the children coming out of high school who could benefit from this; the ones already in university would hopefully have had the proper counselling as to what degrees they should study for.

So, Mr. Speaker, I just wanted to raise the point that a careers advisory centre is urgently needed and it would be a big boost to the programme that the two members, the Third Elected Member from Bodden Town and the First Elected Member from George Town, have talked about. I don't know whether the government can do this before Election but I would hope, as I said some weeks

ago, that they would make a start on it. It is urgently needed.

**The Speaker:** The floor is open to debate. Does any other member wish to speak?

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you, Mr. Speaker. Perhaps, I might not have had to say anything about the motion because certainly the mover in his usual eloquent style put forward the case extremely well.

We have had a reply from the government, which I am sure that in some areas the mover will address when he is winding up. Suffice it to say, at this moment I am pleased to know that the government chooses to accept the motion.

Mr. Speaker, I was not fully aware of exactly what the programme was in the Education Department with regards to placement of students who are studying abroad. I want to make a couple of points before I go into some of the details and before it is time for me to sit down. I want to say that notwithstanding the fact that there may be a situation which exists where students are placed—and I think the minister made mention of some statistics coming from 45 students in 1992 to 90 students in the year 2000 being placed through this programme that exists—the motion we brought was not in any way meant to slight whatever exists. I am certain I speak for the mover in that regard. There was no thought in that matter and I think it is easy to say and fair comment, that the motion certainly can only complement what might exist at present.

The few things that the minister mentioned regarding this programme, which it seems from what he has said they are quite willing to encompass as they move forward, is the fact that it is only a summer programme at present. This motion does not limit itself just to the summer. While that period is the longest that these students will have holidays, as the mover already mentioned in his opening delivery, I think this programme should extend itself to whenever there is meaningful time that these students are available and are not occupied otherwise with their academic research, or whatever, and may wish to continue employment during that interim. So that is the point that we have to ensure that is looked at when the move forward continues.

The other thing that the Minister for Education mentioned is . . . sometimes I wonder if I take risks politically about certain things that I say, but I have to say it the way I see it and the way I feel it . . . that this programme was aimed for (I think he said) the *indigenous* students, which I can appreciate. Certainly, one might choose if one wanted to be politically correct to leave it at that.

But I want to take a minute regardless of the risk to mention something and I am certain the mover when he is winding up can deal with it as he sees fit. I don't want to risk saying that I speak for him here because I have not discussed the matter with him. Let me say this: When the mover and I talked about the motion we recognised that there are many people at present of university age

who have either lived their entire lives in the Cayman Islands or just about all of their lives, and because of the situation that prevails with our immigration laws they are not considered to be Caymanians. But these people that I talk about do not know anywhere else to go.

I would like to make reference to a letter to the Editor that was in the *Caymanian Compass* this morning. It is unfortunate that we get to a situation where we don't try to let logic prevail, and with everything in mind about protecting the Caymanian, have the ability to look at it with a little wider perspective with regards to what we have available here in this country.

If we look in our own public sector in the civil service—I do not want to call names today—there are many individuals who are young professionals in the civil service who are, at present, and who will have for many years to come a lot to offer to this country. They rub shoulders, sit along side and work along with the same age people who have the same drive, who are their peers who are called Caymanians. They went to school with them. They grew up with them. They went to the movies with them. They ate at Burger King with them.

Mr. Speaker, I simply make mention of this because I am not one who wants to limit our thought process to ostracise or exclude the kinds of people I am talking about. I respect our situation, Mr. Speaker, and the reason why I said I may run a risk talking about this is because I have been on occasion on the receiving end of comments speaking about me having this special love affair with the foreigners—sometimes levelled specifically at the Jamaican population.

It is not that, because I recognise what we need to do in this country. But I have serious concerns about the many individuals who have been living here for very extended periods of time. The kind of people I am talking about really know nowhere else to go and here we are talking about a situation that we want to move the country forward with; to have an organised situation where there can be employment for these students. I mean, are we going to limit it and not include these kinds of people? I am saying that we have to think seriously about this.

I don't know if the policy that prevails at present is going to limit itself to that in the future. I make mention of this topic because I want the government to consider not leaving it just to that. The society cannot survive if we think like that. And, Mr. Speaker, my position is simple: If the country does not want to integrate, then don't allow the people to stay here. If we are going to allow them to stay here for the length of time that we are talking about, 20 years and 30 years, we cannot have them in a society that long being of a different jib from their peers. It can only create dissension. It can only create separation.

So, all I am saying, Mr. Speaker, is that if that is not the way the country wants to move forward and unite and understand that people are going to fall in love and marry, and not everyone is going to be from Cayman originally, then let us prevent it from happening by saying we don't want them here. No one wants to do that it seems.

**The Speaker:** I would like to interject. I think you are perfectly right but that is an immigration matter not this particular motion.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, I am not going to speak very long about it and I take your point. I am not going to challenge it but I brought the point up because the minister spoke about the existing programme dealing with the indigenous population. But I will move on.

I bring the point simply to ask the minister in accepting the motion that as they move forward—if I remember correctly the minister has said that it is going to be coming out of the Education Department and under the wings of perhaps the Education Council? All I am saying is that if there is a new set of accommodations, and perhaps the database that the mover mentioned to be established, let us seriously consider those students who have been born here, or who have lived here and gone through our public system, and who we know has no intention of leaving here. We should not separate them; that's all I am saying.

From the point of view of how the minister responded to the motion whether the minister would prefer any amendments to the motion—and I am serious about this because I think this motion is very serious. I don't want us to leave it as it is worded and then cause some difficulty down the line. I recognise that if we accept the Motion then every word that is in it is to be accepted.

I would like the minister to consider whether we should take out a whereas section; do we want to say something different—simply because while it may be nice and easy not to do that, just to get on with the business, when the motion is passed that is what is going to go on the record.

The minister, and perhaps quite rightly so, disputes the third whereas clause which says, “**AND WHEREAS there is now no co-ordinated or organised system whereby students seeking such employment can be systematically placed**”. Just to say to the minister while he is thinking, this whereas clause was simply because we were extending our thoughts throughout—private and public sector. Not suggesting that what happens now does not include the private sector. But you see, when we mentioned the Chamber of Commerce, the Overseas Students' Association—and, that too, might need to be corrected because it is now called the Caymanian Students' Association I think.

I believe that association would lend itself to include members who attend the Community College and ICCI. That is probably part of the reason why they changed their names. We might want to make that pretty clear in the motion. When we thought of the effort to say that it was not actually co-ordinated or organised, all we were basically saying is that all of the relevant agencies who would have input to make it really work were not included in the process at present.

I just want to make sure we are absolutely clear with that so that we will understand. And I believe firmly, Mr. Speaker, that in mentioning those other two organisations it is fair to do so because they will have much to

offer. I believe that whoever operates the system within the Education Department at present, does not have access to be able to say, well, they know all of what is available in the private sector during these times when the students are returning home. Perhaps, the Chamber of Commerce could well be utilised to disseminate information and to gather information to help to create that database on an on-going basis where the companies in the private sector . . .

Let me just interject for a second so that they will understand what we were thinking about, Mr. Speaker. For instance, when we know that students are returning at certain times, whether it be summer or during the Christmas holidays, or whatever, it is a good possibility that if there was a synchronised and organised effort, local companies could well suggest to their employees that during these times, if it is possible for them, that is when they should be looking to take their vacations which would create more openings again on a temporary basis for these students.

I am not so sure if everybody grabs on to what I am saying but I mean with a matter of timing if there was an organised effort, without anyone being displaced, you could still create a lot more space to make sure that all of these students, whether they be returning from overseas, or they are at the Community College or at ICCI, or any other institution for that matter could well be placed more readily. So, that is the type of thing that we had in mind when we talked about the Chamber of Commerce and the Overseas Students' Association.

The Cayman Students' Association could serve the purpose simply by having their existing database and they would likely have that themselves at present and they could keep in contact and, again, disseminate information. The efforts could be co-ordinated so that it is not such a burden on any one office to have all of that and simply the office could do the collating of the information, co-ordinate the efforts and create the database.

The minister mentioned in his delivery that the government should not be solely held responsible for the education of our youth. I respect that fact and I would like to believe that because it is being widely recognised within the society, that the wealth of any country from here on in is going to be determined by the human capital that it has and how well that human capital is educated. It is not going to be so much about the GDP (which is the next motion), but more so what the individuals in that society have to offer by way of productivity. Certainly, with that in mind it is conducive for all sectors to be looking to participating in enhancing the human capital for the Cayman Islands.

Mr. Speaker, I did have some areas to talk about, but let me make one more thing that just came to my mind, very clear. While we have situations where the optimum result could be achieved if we find students who are pursuing certain careers being able to be placed in areas specific and close to the careers they are pursuing, I would not like for us to have to limit our thoughts to where students who are on holidays have to necessarily be placed in an area that complements what they are



pursuing. In my view there is nothing wrong with students home for summer holidays—once the task is not something that requires great expertise—being exposed to certain other things. It makes for well-rounded individuals at the end of the day, even though they have their special areas that they are pursuing.

So I would hope that in the whole thought-process that the pool of placement is, while quite agreeably so, directed towards that, generally speaking (as the Minister of Education would say), it should not be limited to that; because on many occasions it does assist the student being able to be exposed in other areas, to broaden his perspective and knowledge base.

Mr. Speaker, I am going to stop now because perhaps even though there may be other things that can be said I think everyone is on the same train with this motion. The government obviously has indicated a willingness to move forward, accepting the ideas that have been put forward. And accompanying them with what they have had in mind, perhaps we will get even a better result. I trust that as time goes on we will see this in operation. We will see it actually happening and certainly I believe there will be great benefit to the society at large, over time as this is able to gel properly.

I commend the motion and certainly I commend the mover for his insightful thoughts into the matter. Not even grudgingly I would like to thank the Minister of Education who has spoken on behalf of the Government for accepting the motion. But needless to say, he knows that my parting words for this will be, *'I hope something is done and it is not just lip service'*.

Thank you.

**The Speaker:** The floor is open to debate. Does any member wish to speak?

If no member wishes to speak, does the mover wish to exercise his right or reply?

**Mr. Roy Boddén:** Certainly, Mr. Speaker, I would not let this chapter close without a footnote.

I appreciate the fact that the government has accepted the motion and I acknowledge that efforts were, and are being made to provide employment for students during the summer. The fact that this motion was brought here now should in no way be interpreted as casting any aspersions on the efforts of those people currently responsible for that, Mr. Speaker. For more reasons than one, not the least of which being that the person in charge of that programme now holds a special place in my heart by virtue of the fact that that person was a colleague of mine, and, also, because we are kinfolk.

Mr. Speaker, I brought the motion in tandem with the seconder because we realise that the Cayman Islands are poised on the verge of new and exciting developments. We have to place ourselves in a position where we can take the fullest advantage of what is termed the *'knowledge'* economy. We believe that this is also one step in moving the Cayman Islands forward from the point of view of that generation of persons we are training and preparing to take over the leadership and to fill

their roles in progressive and productive sectors of our economy. There can be no better way of doing that than by introducing them during the formative stages of their career preparation for the world that they are going to be matriculating into.

So, we thought that here is a chance to get in from the very beginning on an organised system where we use the tools of the new economy to get ourselves jobs, to get these people jobs to ground them and teach them how to use this network and this organisation to bolster and enhance their experience.

Mr. Speaker, as I debate this motion I am reminded that I was just reading about Singapore and how Lee Kuan Yew prepared Singaporeans for this time, for this century, for these exciting developments. The second volume of his memoirs is about to be published and it is entitled, *From Third World to First World*. In that, he talks about his vision and his efforts over the years to prepare his people, because Singapore has one of the best education systems in the world. It is a system, which incorporates many facets of training and experience to prepare the people for the world of work. These are some of the concepts and ideas, which Lee Kuan Yew used to prepare his people.

So, what we are talking about in this motion is by no means, if I have to be gracious, any invention of the mover and the seconder because as we have heard, the Education Department was already doing something. What makes this significant is that we have moved it from the step at which it is now and we are proposing to set up a more sophisticated system. In so doing I have to give credit to Mrs. Archer and all the other people in the Education Department. I agree with the minister that we should now make this a centre of career development and advancement moving it even one step further from what I have proposed, and had conceived, and that it should fall under the auspices of the Education Council.

Mr. Speaker, there is a significant similarity because in Canada, the system that they have set up is an adjunct of the public service commission. It is the Public Service Commission in Canada who is responsible for the Federal Student Work Experience programme. So between the ideas proposed by the mover and the seconder and those proposed by the minister, I think we have a good launching point for the development of an effective programme which should serve to help all of our students.

I want to mention something that was highlighted by my colleague, the seconder. We hesitated to make any distinction or differentiation as to those persons whom we saw as the primary beneficiaries of this. We realise that the Cayman Islands is a society made up of persons from several different backgrounds and nationalities and we have at some point come to grips with that and we believe . . . the honourable First Elected Member for George Town was right, we did not discuss it but he is right in assuming that my position was similar to his. We could see making such a distinction between indigenous and non-indigenous persons, for want of a better expression, serving no constructive purpose.

While we admit that Caymanians must be first among the equals, we believe that in this case it could serve no constructive purpose to draw any distinction. That is a drawback and a hindrance to too many efforts now and I don't think that it is necessary to highlight those kinds of differences and distinctions particularly in cases where there is really no need to so. But it is true.

It is true, Mr. Speaker. In other jurisdictions for example, you have to be a citizen to benefit from these kinds of programmes under normal circumstances. Of course there are exceptions to the rule because if I go to Canada as a student and I want to enrol in one of these programmes, as long as I demonstrate the need and there is space, I could benefit too. But I also want to make the point that the people we are talking about in the Cayman Islands, if they had been living in Canada that long they would have been citizens because they would only have to be there five years in order to apply. So, we want to get away from that and move on to the greater efficacy and effectiveness and the utilitarian aspect of this.

Mr. Speaker, I want to make an important distinction. In Canada there is a special programme with tourism careers for youth, and a special youth internship programme that assists young people between the ages of 18 and 29 with the transition from school to work. Preparing them through a mix of classroom and on-the-job training with the skills, knowledge, attitudes and experience required for long-term employment in tourism, the world's fastest growing industry.

I say that to make the point that we should bear this in mind because this can serve to give us an added dimension to the programme that we are talking about putting in place. Especially as we so often hear the complaint that not enough Caymanians are employed in visible positions in the hospitality industry in these Islands.

I hope that this serves as a challenge to the government particularly to the Minister of Tourism and the Minister of Education to use this as a launching point to develop, encourage and train young Caymanians to enter the hospitality industry through such a programme.

Mr. Speaker, I was also very happy to hear about the new expectation of the streamlined Education Council. I have to say that certainly this has for sometime been my expectation and I have been encouraging the minister to go this route because it is in keeping with the direction I see education and the country to be moving. Any effort that we make to improve education and the opportunities of our young people are positive efforts.

I recall back in—I think it was 1999 when the First Elected Member from George Town and I attended an Education conference put on by Arthur Andersen and their school of the future in Chicago. It was a highlight and a major focus of that conference school to work programmes. And, they were developing and talking about programmes such as this, which made the transition from formal education to the world of work understandable through this kind of orientation.

Mr. Speaker, with regards to the private sector—the private sector has a very prominent and important role to

play in this. And I would also see the Chamber of Commerce, as was mentioned by the seconder, being of pivotal importance. I encourage the government to cultivate the association and develop the relationship between its arm and the private sector in getting this programme off the ground, because I believe it is only by so doing that we are going to achieve the optimum results seeing that many of our young people who go abroad to train eventually find places in the private sector.

I believe that this association should serve as a model partnership because we have to get away from the expectation and from the idea that the government must bear the brunt of everything and realise that the burden should be equally shared between the government and other elements of the society.

In conclusion, I look forward with eager anticipation to this motion not only being accepted, but being almost immediately acted upon. I commend the government and as I listened to the Minister for Education reply I could not help wondering to myself, *What is the big deal because it seems that our positions are often times so similar?* Our ideas are more frequently similar than they are different. So I have to wonder what is the big deal.

Mr. Speaker, you know, I don't want to be the fly in any ointment and I don't want to be a party-pooper, but I have to ask myself, *How is it that some people can find it possible to be so gracious now when on other occasions they had reason to be so disinterested, apathetic and hostile—and yet basically the ideas are the same?* Certainly the people who bring the ideas, the messenger is the same messenger and that is why I have to say that for all of my enthusiasm I cannot find it possible to clear all of the scepticism and cynicism out of my heart: I wonder if it is the players, or is it the season?

Anyway, Mr. Speaker, I would not want to spoil a good thing. I just want to say that I hope that we can get moving on this because it is to the benefit of the majority of persons in the society. There can perhaps be no better way to prepare the next generation of leaders than through organisations such as this.

I thank my friend and colleague, the seconder, for his ideas both at the time we were discussing the motion and his recent articulation. Also, my colleagues on the backbench, whom when we mentioned it to them agreed that they would support it. Significantly too, I thank the government, and especially the minister who accepted it on the government's behalf. I look forward to continued association in the future for what is best for the Cayman Islands. Thank you.

**The Speaker:** I shall now put the question on Private Member's Motion No. 21/00. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The motion is passed.

**AGREED: PRIVATE MEMBER'S MOTION NO. 21/00 PASSED.**

**The Speaker:** Moving on to Private Member's Motion No. 23/00 entitled Gross Domestic Product to be moved by the First Elected Member for West Bay.

## PRIVATE MEMBER'S MOTION NO. 23/00

### GROSS DOMESTIC PRODUCT

**Mr. W. McKeeva Bush:** Thank you, Mr. Speaker. I beg to move Private Member's Motion No. 23/00 standing in my name, which reads as follows:

**“WHEREAS the Cayman Islands Government have problems attracting concessionary financing;**

**“AND WHEREAS we need to have a better understanding of income distribution among residents;**

**“BE IT RESOLVED THAT Government requires its annual statistical Abstract to publish Gross Domestic Product figures broken down according to Caymanian and non-Caymanian, district to district, and category by category.”**

**The Speaker:** Do we have a seconder?  
The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I am very happy to second the motion.

**The Speaker:** Private Member's Motion No. 23/00 has been duly moved and seconded. Does the mover wish to speak to it?

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I don't think this is a motion that will draw any opposition or cause long debate. It is certainly not asking for any great expenditure but in the workings of a country such as we have, I believe what we are asking is most important.

If government agrees to this resolution, the one thing it would do is to say where we need to promote economic development. For example, if the income figures are lower in West Bay than in George Town it would help to better inform the government of the types of activities required to address imbalances in those districts.

On the international scene it would help us and strengthen Cayman's argument for concessionary financing or soft loans from international and regional development institutions like Caribbean Development Bank (CDB) and the European Union (EU).

Mr. Speaker, I well recall when I first entered Executive Council I had the occasion to visit the EU and had a discussion with them in Brussels. We were told that we could not get loans. At that time one of the things that I was trying to do was to get funding for housing and that was in 1993. I was told in Brussels that our per capita income is just too high and, therefore, we could not qualify for soft loans or assistance from them. Mr. Speaker, that is on the international scene.

On the local scene, we do need to have a better understanding of income distribution in the islands. As I

said, everywhere we go and whenever there is talk or debate on the needs of this country—and we saw this recently when the five Members of Parliament came from United Kingdom—they always point to the high per capita income in the Cayman Islands, which they are saying is between \$18,000 - \$21,000, the fifth highest in the world.

We all know that income is relative. You will not find everyone making a large income as \$21,000. What you will find a lawyer, an accountant or a banker making as an income, you won't find our people working in the hotel and tourism industry making those kinds of salaries. Even those at the lower end in the banks do not make that kind of money.

So, if we can break down (I guess that is simple language for it) the gross domestic product (GDP) district by district, and locals and those who are not, and category by category, I believe then we all—and those international and regional institutions—will not be able to say that Cayman is the richest country and does not qualify for soft loans.

Mr. Speaker, when we examine some of the incomes, and that is the bare information I would say, you will find that there needs to be a better understanding of income distribution. Some figures I gave earlier this year according to the Economic and Statistics Office, show the average working Caymanian earning \$2,600 per month. However, according to the same statistics, approximately 6,900 or 60% of all working Caymanians make less than \$2,500 per month. That is a range of \$833 per month, at the low end, to those on the \$2,500 per month level.

Now when you compare this with the fact that somewhere around \$2,300 or 20% of all working Caymanians make more than \$3,300 per month, it is clear that there needs to be a better understanding. As Members of the Legislature you have to pick apart—and it does not do anything putting everything together. It does no good for the country putting everything together and then people can come and tell us, *‘Well, you are a rich country’*.

So, while some people might not feel that this is an important resolution, I feel that it is very important to the workings of good government in the Cayman Islands. While it does not ask for a road, a school or any programme at all, it is good in this new millennium for us to understand better the position of this country and what the true figures are in income distribution.

Thank you.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, I rise to advise the Government's support for Private Member's Motion No. 23/00 dealing with the subject of the Gross Domestic Product.

Mr. Speaker, the mover of this motion, the First Elected Member for West Bay, mentioned that some persons may be of the view that this is not an important

motion but I would not place myself or any member of the government in that category.

This is a very important motion and that honourable Member will recall from the time that he and I attended the meeting of the Caribbean Development Bank's Board of Governors' meeting that was held in Canada, this matter was brought up. Since that time several discussions have been held with CDB to see if it would be possible to break down the GDP of the Cayman Islands to reflect the income earned, or the overall output of the indigenous sector, rather than bringing everything together which will include the output of the transient population.

We know that we have a small population base and when this is taken as an average of the overall output of goods and services provided in the Cayman Islands it is throwing up such startling figures in excess of US\$27,000 being our per capita income. This is the highest in the region and it is one of the highest in the world.

The honourable member has just mentioned that this is not a very accurate position. It is accurate in terms of overall average. But where you have one, or let's say, a certain percentage earning over half a million dollars per annum and increasing, and you have persons earning \$14,000; when you put everything together and divide, and you take the overall goods and services as the numerator (this is the figure at the top) and take the population base, the denominator (the number that you are dividing by), it is not surprising that you come up with a figure of US\$28,000.

What this does is that, for quite some time now—and all honourable members of this House are very much aware that we have ceased to qualify for concessionary funding, as the honourable member has pointed out, from such multilateral institutions as CDB—When they are looking in terms of their borrowing or lending procedures and where the Cayman Islands is being placed in a category of having the highest GDP in the region, it becomes very difficult for countries who are members within the region to subsidise loans to the Cayman Islands.

But when we look in terms of the many countries that are qualifying for loans because they have two sources of funds from which lendings are made. (1) The special development fund: this is where the source of concessionary financing, where borrowings from that fund are normally below market rate, 2% - 4%. (2) The ordinary capital resources: the normal funds of the bank: Often times this money is raised through financing on the capital market.

Mr. Speaker, we have reached to a point where we do recognise that we are a very prosperous country, but this is relatively new. When we compare ourselves to other countries in the region that have had, for example, educational infrastructure and other institutions in place for years exceeding the level of growth and development that we are seeing here in the Cayman Islands, we do not only have difficulty with borrowing at concessionary rates from CDB, we also have difficulty in terms of ac-

cessing concessionary funds or financing anywhere within the world community as such.

When we look at our overall debt structure, often we are of the view that it can be very high or could be somewhat high. But prudence has always been the hallmark of this government and past governments and likely to be future governments of this country. A ceiling has been set—this has not been entrenched in law—that no more than 10% of local revenue should go towards debt financing or debt servicing. We have always made every attempt to keep the amount of funds that will be available from general revenue for debt financing below that level.

When we look in terms of the loan portfolio of government we will see that that is comprised of short-term borrowings. Earlier information was provided in this House that by the year 2012 if no more borrowings were made, then the government would not be owing more than probably \$1 million or \$2 million based on the current rate of repayment. When you look at the life of the assets that those monies are being used to finance, we are putting in place infrastructure such as roads, schools, facilities that will have a long life expectancy. It would be much better if we could access funds on a long-term basis and also get mixed into that a bit of concessionary financing. When we consider those persons that are earning, let's say, \$850 per month up to \$2,500 and you take the annual average of that, it is quite evident that not everyone is enjoying the level of affluence whereby this should be reflective right across in terms of an overall or average standard within the island, and as a result of that we should be penalised by multilateral institutions for the success we have had.

It is very good to know that in the Cayman Islands everyone goes to bed probably having had something to eat. Some will have lobsters and caviar, others will probably have dishes that are not as—the honourable First Elected Member is saying pork and beans, but probably not as grand as what I mentioned earlier.

Overall, Mr. Speaker, the Cayman Islands should not be penalised for our success and this is what has been happening. For us to really benefit from concessionary financing it means that our overall average income will have to drop to a level where it would suggest that we are at a subsistence level. This definitely should not be the case; success should be applauded.

Mr. Speaker, the question where the honourable member also mentioned that it would be good to see what would be the average income flow per district within the Cayman Islands, that is also useful and vital information. It is necessary that we should not have all of the economic activities concentrated in a given area. We know that George Town has been the hub. It is quite likely that we will continue to see this being the case for several reasons, in that, we have the financial industry—the banks, the law firms clustered around the main governmental services such as the Registrar General's Office and all of these things. But there are other aspects that can be placed within other districts in Grand Cayman and also placed in Cayman Brac and Little Cayman,

yes, decentralise. These are matters that we have to look at very carefully.

When we spoke to the Caribbean Development Bank (CDB) some time ago they mentioned that there is a formula that is normally used in arriving at the GDP and it would be difficult somewhat to create some form of a variation or hybrid of that. It is a matter that will have to be looked at because I do believe that given our unusual circumstances that the strict economic model that is normally followed cannot be used with any degree of equity to reflect what is the average income earned in the Cayman Islands. One of the things is that it is mixing the indigenous with the transient population and it is very good to know that we have persons here earning very high salaries.

Another aspect, which we all know, Mr. Speaker, is that not all of the income earned remains within the country. Again when we look in terms of determining how much of the GDP can be regarded as indigenous, then at least we know when we are applying the multiplier effect to say what will be the overall benefit to the Cayman Islands, and that we have fair grounds on which to stand in terms of making an assessment of the economic realities of the Cayman Islands.

Again, in terms of focusing on what takes place at the district level, this will be very important because we do see at this point in time where excess funds will have to be spent on infrastructure such as roads. Whereby if some of these activities were decentralised within the districts both in Grand Cayman and Cayman Brac, it would cut down on the traffic congestion that many of us are experiencing on a day-to-day basis as we travel into George Town, the place of employment.

Again, this information will be very useful. The methodologies to achieve the results we are seeking may turn out to be somewhat novel. We may probably have to look very carefully at the economic models that are being used to arrive at standard GDP and to see how we can vary that in order to arrive at the indigenous earnings. Until we get to that point we will not be in a position to approach multilateral organisations or lending institutions such as CDB. While it will not appear that the concessionary financing will amount to much in terms of the savings, it makes a big difference having to pay LIBOR on a loan of \$10 million or against getting, let's say, a reasonable portion of that which is subsidised from the special development fund of CDB at the rate of 2% - 4%, whatever the interest rate factor is.

This will mean rather than paying out extra money by having to borrow at market rates, having to meet the extra costs incurred, these are funds that could be used for the continuing development and benefit of the country. As I mentioned, the government is quite willing to accept this motion. I, myself, will be talking to the Statistics Office and to the Economic Development Section to see how best their resources can be combined in order to try and work through the objectives that are being sought for by this motion. It is a very good and worthy one, and one that the Government is willing to support.

Thank you.

**The Speaker:** The floor is open to debate. Does any member wish to speak?

If no member wishes to speak, does the mover wish to exercise his right of reply?

The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** Just to thank the honourable Third Official Member for his information and agreement that the motion is something that needs to be done for the country. Also, to thank the seconder who himself, I know, has some concern about the per capita income figures.

The motion is an effort to stop these islands being penalised by international and regional institutions, by us not being able to get soft loans. Caribbean Development Bank loans to us are sometimes in what they call the basket of currencies—all sorts of currencies—yen and all those other currencies put together which causes us to pay tremendous interest rates.

I recall we had to amalgamate the Water Authority loan because the basket of currency interest rates that we were paying were so high that we were not getting the loan to any appreciable level after so many years. So, we had to amalgamate that loan and free us from that situation.

Mr. Speaker, as I said, this is not asking for a road nor a light, but it is something that makes for good government and I thank the Honourable Financial Secretary for his input.

**The Speaker:** I shall now put the question on Private Member's Motion 23/00 entitled Gross Domestic Product. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The Motion is passed.

**AGREED: PRIVATE MEMBER'S MOTION NO. 23/00 PASSED.**

**The Speaker:** I would appreciate a motion for the adjournment of this honourable House.

The Honourable Minister for Education, Aviation and Planning.

## ADJOURNMENT

**Hon. Truman M. Bodden:** I would like to move the adjournment of this honourable House until Thursday, 14 September, at 10.00 AM.

**The Speaker:** The question is that this honourable House do now adjourn until Thursday, 14 September. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. This honourable House stands adjourned until Thursday, 14 September, at 10.00 AM.

**AT 4.20 PM THE HOUSE STOOD ADJOURNED UNTIL  
10.00 AM THURSDAY, 14 SEPTEMBER 2000.**

**EDITED  
THURSDAY  
14 SEPTEMBER 2000  
10.41 AM**

*[Prayers read by the Elected Member for North Side]*

**The Speaker:** Please be seated. The Legislative Assembly is in session. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have received apologies from the Honourable Second and Third Official Members who will be arriving later this morning and also from the Fourth Elected Member for West Bay who is ill and not able to attend.

Item number 3 on today's Order Paper, Presentation of Papers and Reports. The 1999 Annual Report of the Central Planning Authority and Development Control Board Cayman Islands Government.

The Honourable Minister responsible for Education, Aviation, and Planning.

**PRESENTATION OF  
PAPERS AND REPORTS**

**1999 ANNUAL REPORT OF THE CENTRAL PLANNING  
AUTHORITY AND DEVELOPMENT CONTROL  
BOARD CAYMAN ISLANDS GOVERNMENT**

**Hon. Truman M. Boddan:** Thank you, Mr. Speaker. I beg to lay on the Table of this honourable House the 1999 Annual Report of the Central Planning Authority and Development Control Board Cayman Islands Government.

**The Speaker:** So ordered.

Do you wish to speak to it, honourable minister?

**Hon. Truman M. Boddan:** The Central Planning Authority (CPA) approved 1,214 applications with a total construction value of \$393.4 million, representing increases over the year on applications of 11% by volume, and 89% by dollar value. In other words, the construction value of \$393.4 million is nearly twice the amount of what was approved last year—a very significant amount.

By sector, the largest proportion of development approvals consisted of apartments at \$5 million, and commercial at \$52 million. Over all the CPA set a record with the number and value of applications approved in 1999,

despite the fact that many approvals are now administered by the director of planning, such as houses, minor matters and certificates of occupancy.

The CPA remained diligent in its efforts to control illegal developments and the number of enforcement notices were somewhat increased by approximately 21 extra notices over 1998.

The Development Control Board for Cayman Brac and Little Cayman approved 156 applications with a total construction value of \$14.3 million. Significant increases in the value of developments approved occurred in the following sectors: government (an increase of 1,645% over 1998); and industrial (an increase of 905% over 1998).

On behalf of the Ministry of Planning, I would like to sincerely thank both the chairman of the CPA and the chairperson of the Development Control Board, and all of the members of the CPA and the DCB for their very capable and untiring work on these boards.

In particular, I would like to thank and congratulate Mr. Heber Arch, chairman. He has served in various planning related capacities since 1974, as follows: 1974-1984, chairman of CPA; 1984-1993, member of planning appeals tribunal; 1992-2000, chairman of the CPA; 1980-1984, member of the building code committee and also from 1991 to 2000—a very long, dedicated and outstanding contribution to the Cayman Islands by Mr. Arch.

I would like to thank the director and the staff of the Planning Department who have also worked very hard and who now have introduced a system at the Planning Department which has reduced by well over half the time that is spent dealing with planning applications, and especially the small applications, such as houses and related matters which are now done administratively and are normally done in a matter of a few days.

I would like to thank everyone involved and to say that it has been undoubtedly a busy year with the total approved construction value standing at \$393 million, 89% over what was passed in 1998—undoubtedly a boom period. The results of that will come on line later this year and early next year as these applications begin to be built and come into effect.

**The Speaker:** The Annual Report of the National Drug Council for the year ending 30<sup>th</sup> June, 1999; and The National Drug Council Financial Statement for year ended 30<sup>th</sup> June, 1999.

The Honourable Minister responsible for Health, Social Welfare, Drugs abuse Prevention and Rehabilitation.

**THE ANNUAL REPORT OF THE NATIONAL DRUG  
COUNCIL FOR THE YEAR ENDING 30 JUNE 1999;**

~and~

### THE NATIONAL DRUG COUNCIL FINANCIAL STATEMENT FOR YEAR ENDED 30 JUNE 1999

**Hon. Anthony Eden:** I beg to lay on the Table of this honourable House the Annual Report of the National Drug Council for the year ending 30 June 1999; and The National Drug Council Financial Statement for year ended 30 June 1999.

**The Speaker:** So ordered. Do you wish to speak to it?

Moving on to the Traffic Ticket Regulations 2000, to be moved by the Honourable Minister for Tourism, Commerce, Transport and Works.

### THE TRAFFIC TICKET REGULATIONS, 2000

**Hon. Thomas C. Jefferson:** Mr. Speaker, I beg to lay on the Table of this honourable House The Traffic Ticket Regulations, 2000.

**The Speaker:** So ordered. Do you wish to speak to it?

**Hon. Thomas C. Jefferson:** The title of the regulations is the Traffic Ticket Regulations, 2000. Members of the community as well as some Members of this honourable House and government members responsible for some of these areas have highlighted the need to ensure better policing of persons who throw things from vehicles, persons who litter while driving down the road. In that regard, throwing any object at a vehicle or a person in a vehicle the ticket offence fine is \$100. Throwing any object at a vehicle while in motion on the road is also \$100.

Holding on to a vehicle on the road for the purpose of being towed thereby, which is a real safety issue on any road in Grand Cayman, is a ticket for \$100.

While these sums may sound large, Mr. Speaker, the whole objective of the ticket offence and fine is to discourage activities that are either unsafe or environmentally detrimental, such as throwing litter out the window. In addition, we are trying to ensure that seatbelts are worn. Some time ago we read in the *Caymanian Compass* that the fine was \$500; this regulation seeks a specific sum for the wearing of seatbelts.

It also speaks to leaving a motor vehicle unattended with the engine running. That is also \$100. And we recently heard of vehicles that do not give right-of-way to emergency vehicles such as fire and ambulance; these regulations speak to that as well. The fine for failing to give way to an emergency vehicle is \$100.

Failure to give way to a school vehicle, or overtaking such vehicle while passengers are lighting or disembarking is also \$100. The reason for the \$100 is to discourage persons from breaching the regulations.

Parking at night without rear lights illuminated, \$100. Causing and permitting vehicle to be left in a dangerous position, parked on the side of the road with part of the

vehicle out in the street, no lights on (might even be a flatbed truck), if an approaching driver is not paying attention he could easily smash into it.

Failing to display a current vehicle licence, \$100. And being in breach of any construction and use regulation, or being in breach of any duty of a driver under section 60, \$100 each.

Parking a vehicle other than a vehicle or omnibus in a taxi rank, \$100. It seems a bit stiff, but it is seeking to cause people to not do so.

Failing to give way to a pedestrian making use of a pedestrian crossing—another dangerous situation that I see from time—\$100. Parking or unloading a vehicle where there is a yellow line \$100, and parking within 45 feet of a pedestrian crossing, which sometimes obscures the view of the vehicle approaching the pedestrian crossing, \$100.

Carrying an unauthorised pillion passenger (meaning a person on the back of a motorbike), \$100. Towing a vehicle in a manner likely to cause danger to other users of the road, \$100.

And I spoke about the failure to wear a seatbelt contrary to Section 63; the court sometime ago fined a person \$500. This Traffic Ticket Regulation stipulates a fine of \$100.

Riding a motorcycle without crash helmet, \$100. And speeding on a motorbike up to 10 mph in excess of the speed limit \$100 and every additional 10 mph in excess of the speed limit another \$100 with a maximum penalty of \$500.

Trying deliberately, Mr. Speaker, to define in the law what the maximum penalty is in every specific case mentioned here. And I believe it is in the best interest of the community that we put forward such a regulation. I did mention that in some cases the fine seems a bit stiff, but if you obey the law you don't pay anything. That's the rationale behind it.

Thank you.

**Mr. W. McKeeva Bush:** Mr. Speaker, before—

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Thank you. Is the minister laying this on the Table with a date fixed for the coming into force? What is the procedure for these regulations as they stand?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** As required under the law, we have to lay any regulation dealing with the Traffic Law on the Table in order for members to be aware of what Executive Council will eventually do. That is the purpose of laying this on the Table this morning.

**The Speaker:** The First Elected Member for West Bay.



**Mr. W. McKeeva Bush:** I quite well know the purpose of laying the regulations on the Table. What I want to determine is if the minister has a time frame for the coming into force of the regulation.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Laying it on the Table is really to receive feedback from members of the Legislative Assembly before bringing these regulations into effect—feedback, as to whether we are in agreement, in writing or otherwise.

*[Inaudible interjections]*

**The Speaker:** The First Elected Member for West Bay . . . but let me call to honourable members' attention to the fact that our Standing Orders have provisions to deal with this.

**Mr. W. McKeeva Bush:** Yes, I am aware of that, thank you. I am also aware that the House is going to be prorogued shortly and that means that the business dies. Mr. Speaker, I am trying to ascertain: Does the minister have a time frame as to when the regulation would come into force? I understand that he is asking us to give feedback, and the public I would imagine. But he is not saying what the time frame is.

**Mrs. Edna M. Moyle:** Mr. Speaker, if I may sir.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** I can only assume that these regulations are being laid under section 113 of the Traffic Law, which reads: "**Notwithstanding the generality of any other provisions of this Law, the Governor may make regulations prescribing anything by this Law required to be prescribed and all regulations made under this Law shall be subject to negative resolution, except that the forms prescribed by the Traffic Law Miscellaneous Forms Regulations shall not be subject to negative resolution.**"

I think under the Interpretation Law it is some 21 days for a member to file a motion for the regulations to be negatived, which would then allow the regulations to be debated—if I am correct.

**The Speaker:** That is in accordance with the Law and Regulations.

Are there any further questions? The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I am still trying to ascertain from the minister what is the time-frame and what does he want us to do about it?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works, can you elucidate on that subject?

**Hon. Thomas C. Jefferson:** Mr. Speaker, I don't really have a time frame. I am basically following the Law with a view of laying it on the Table and making it an item so that we can receive input on it before any further action is taken on it.

**The Speaker:** The First Elected Member for West Bay, we can't go further than this question.

**Mr. W. McKeeva Bush:** Thank you Mr. Speaker.

Can the honourable minister say if the regulations have been accepted by Executive Council?

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I don't believe I have specifically made any remarks along the line of the question being raised by the First Elected Member for West Bay. But these regulations have not been put into effect or passed by Executive Council at all. The process laid down in the Law is what I am following.

We have to lay the regulations upon the Table to be negatived or whatever, but in this particular case, I am aware that the House dissolves on the 26<sup>th</sup>. But it's better to table this information and make the public aware of what the thinking is on these particular traffic offences and then deal with it when the House next meets.

**The Speaker:** The next item is the Financial Statements of the Cayman Islands Government for the Year ended 31<sup>st</sup> December, 1998 to be laid on the Table by the Hon Minister for Tourism, Commerce, Transport and Works in the absence of Honourable Third Official Member responsible for Finance and Economic Development.

#### THE FINANCIAL STATEMENTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31 DECEMBER 1998

**Hon. Thomas C. Jefferson:** Mr. Speaker, as requested by the honourable Third Official Member, I beg to lay on the Table of this honourable House the Financial Statements of the Cayman Islands Government for the Year ended 31<sup>st</sup> December, 1998.

**The Speaker:** So ordered. Do you wish to speak to it?

**Hon. Thomas C. Jefferson:** No sir. I will leave that for the Honourable Third Official Member to deal with.

**Mr. W. McKeeva Bush:** Mr. Speaker.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the honourable minister say why we are just getting the December 1998 accounts in the year 2000? And when does government expect the Public Accounts Committee to deal with this, seeing the House is being prorogued?

Oh!

**The Speaker:** Are you withdrawing your question?

**Mr. W. McKeeva Bush:** Well, let's see what happens next, Mr. Speaker.

*[Members' laughter]*

**The Speaker:** Next, Report of the Auditor General on the Financial Statements of the Government of the Cayman Islands for the Year ended 31<sup>st</sup> December, 1998 to be laid on the Table by the Hon. Minister for Tourism, Commerce, Transport and Works in the absence of Honourable Third Official Member responsible for Finance and Economic Development.

**REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE YEAR ENDED 31 DECEMBER 1998**

**Hon. Thomas C. Jefferson:** As requested by the honourable Third Official Member, I beg to lay on the Table of this honourable House the report of the Auditor General on the Financial Statements of the Government of the Cayman Islands for the Year ended 31<sup>st</sup> December, 1998.

**The Speaker:** So ordered. Do you wish to speak to that report?

**Hon. Thomas C. Jefferson:** Mr. Speaker, I would leave the speaking to the honourable Third Official Member.

**The Speaker:** Thank you.

Next on today's Order Paper: Report of the Public Accounts Committee on the report of the Auditor General on the Audited Accounts of the Government for the year ended 31<sup>st</sup> December, 1998. To be laid on the Table by the Third Elected Member for West Bay, [Chairman of the Committee.]

**REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE REPORT OF THE AUDITOR GENERAL ON THE AUDITED ACCOUNTS OF THE GOVERNMENT FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER, 1998**

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, in accordance with Standing Order 77(5), as Chairman of the—

**The Speaker:** Please table them first.

**Mr. John D. Jefferson, Jr.:** That's what I was coming to, Mr. Speaker.

**The Speaker:** Sorry.

**Mr. John D. Jefferson, Jr.:** In accordance with Standing Order 77(5), I, the Chairman of the Public Accounts Committee hereby request permission to lay on the Table of this honourable House a copy of the Public Accounts Committee Report for the year 1998.

**The Speaker:** So ordered. Do you wish to speak to it?

**Mr. John D. Jefferson, Jr.:** Yes sir.

**The Speaker:** Please continue.

**Mr. John D. Jefferson, Jr.:** Before I actually start reading the Report, let me just mention in response to the question asked by the First Elected Member for West Bay regarding the delay, in defence of the Auditor General's office, the reason why we are just getting to the Public Accounts Committee Report for 1998 is that the Auditor General on a number of occasions has been requested for special assignments. Because of that, his responsibilities in relation to the Public Accounts Committee had to be delayed.

Report of the Standing Public Accounts Committee on the report of the Auditor General on the Audited Accounts of the Cayman Islands Government for the year ended 31 December 1998:

*[The Third Elected Member for West Bay quoted from the Report of the Standing Public Accounts Committee on the report of the Auditor General on the Audited Accounts of the Cayman Islands Government for the year ended 31 December 1998. (See attached Appendix).]*

**The Speaker:** Would this be a convenient time to take a break? Or, would you wish to you continue?

**Mr. John D. Jefferson:** I can take a break, sir.

**The Speaker:** We shall suspend proceedings for 15 minutes.

**PROCEEDINGS SUSPENDED AT 11.45 AM**

**PROCEEDINGS RESUMED AT 12.30 PM**

**The Speaker:** Proceedings are resumed. Debate continuing on the report of the Public Accounts Committee. The Third Elected Member for West Bay continuing.

**Mr. John D. Jefferson, Jr.:** *[Member continued quoting—see appendix.]*

**The Speaker:** May I interrupt at this moment? We shall suspend proceedings until 2.30 PM.

**PROCEEDINGS SUSPENDED AT 1.11 PM****PROCEEDINGS RESUMED AT 3.08 PM**

**The Speaker:** Please be seated.

Report of the Public Accounts Committee. The Third Elected Member for West Bay, continuing.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. The next area covered in the Public Accounts Committee Report for 1998 is **Pedro St. James**. And under the heading of **Financial and Technical Audits of Key Contracts** it reads—*[Member continued quoting—see appendix.]*

Let me thank the members of the Public Accounts Committee who have served under my chairmanship for the past eight years. I really appreciate those who were responsible in attending and the contributions they offered in putting together our annual reports.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I rise to seek your guidance. I think some of us are possibly unsure as to procedure here. This is the last meeting before this House is dissolved. We now have the Auditor General's Report for year end 1998 tabled, and the Audited Accounts of the Cayman Islands Government for year end 1998 being tabled, and we have the Public Accounts Committee Report being read and tabled by the chairman for the Auditor General's Report of 1998.

In 1996, the government was quick to make sure that the Government Minute for 1995 was done and tabled so that all was in order and these reports could have been debated. I think we have a couple of options. Perhaps the government can reply and let us know what is happening.

We don't know what is going to happen about the Government Minute. Because the House is going to be dissolved, we wonder whether this will fall away, or do we have to seek leave by way of resolution to debate this report without the benefit of the Government Minute. I hope my questions are clear and with the assistance of the government perhaps we can get an answer, sir.

**The Speaker:** In dealing with this matter under Standing Order 77(6) [& (7)] **“(6) Subject to these Standing Orders, the practice and procedure of the Public Accounts Committee shall be determined by the Committee.”**

**“(7) The Government Minute shall be laid on the Table of the House within three months of the laying of the report of the Committee and of the report of the Auditor General to which it relates.”**

It is my understanding that within that period of time the Government Minute will be laid on the Table and it has been customary for the two reports (the report of the Public Accounts Committee and the Government Minute)

to be debated at that time. I am fully aware of what you have said about the dissolution of this House on the 26<sup>th</sup> of this month, and I am in the hands of . . . maybe the honourable Third Official Member can give us something. But I would also like to say at this time, under Standing Order 77 (9) **“(9) Notwithstanding Standing Order 74, the report of the Public Accounts Committee shall be deemed to have been agreed to.”**

The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, as you have pointed out, Standing Order 77(7) states that the Government has a period of three months in which to table the Government Minute following the tabling of the Public Accounts Committee Report. Notwithstanding the fact that the House will be dissolved on 25<sup>th</sup> of September, that does not remove the obligation, it would seem under the Standing Order, for the Minute to be tabled on the accounts for 1998.

I realise, as the First Elected Member for George Town said, that this would mean the conclusion of business for this House. As we know, we are going into a general election. But I just looked at the Public Accounts Committee Report and also the Auditor General's Report. It would seem to me that this will require having to consult or time will have to be taken by controlling officers in order to properly respond to the queries raised.

So it seems that the Minute will have to be Tabled within the 90-day period, but as to exactly when that will be done . . . or let's say a given time frame . . . it is difficult to predict that at this point in time.

Having to write and invite controlling officers to carefully consider the observations that have been made and also to respond, this will take a period of time.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I think what also needs to be said is that unless things change from the way they have been over the years, when the House is dissolved on 25<sup>th</sup> of this month, the new Legislative Assembly does not resume until some time in March. The 90 days will have crossed by many days before the report can be laid on the Table of the House. Surely, one cannot assume that the government would wait until the Public Accounts Committee Report is tabled before it sets itself in gear to be responding by way of a Government Minute.

I am certain that this is not the first time they are seeing that Public Accounts Committee Report. With the greatest of respect, for the honourable Third Official Member to talk about the length of time (and I respect that length of time), I am taken aback to believe that it is only after the report has been read by the chairman here that anyone is thinking that the response should be en-train.

I don't know what anybody is going to say about this, but I think it is an injustice to the system to expect this House to be dissolved almost in an anticlimax with this

matter. Certainly, if they were well versed in 1996 to ensure that the Government Minute was laid so that it could be debated . . . perhaps this is just an opinion, but perhaps the report was a bit rosier at that time and conducive for them to talk a lot about it. But I believe that this legislature should have the right to conclude this business before its dissolution. I find it difficult to accept that it is only now that the Government would be thinking to put matters in gear so that the Government Minute could be prepared.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development, do you wish to comment further?

**Hon. George A. McCarthy:** Mr. Speaker, I understand the views shared by the First Elected Member for George Town on the Government Minute. He made reference to the short time period in which the Government Minute for 1996 was prepared. But, while that has been a precedent, I am looking at the report we have in front of us at this time. This report raised quite a number of substantive issues. It seems as if these issues will have to be gone into thoroughly by the government and controlling officers in order for a proper response to be provided.

We know that the Public Accounts Committee Report was not available to government until this morning. Neither was it . . . for a minute I thought that other members of government may have seen the report of the Public Accounts Committee but I have not. The first I am seeing the report is today.

As honourable members know, the procedure in developing a response to the Public Accounts Committee Report does not involve the report itself. It means having to peruse the Auditor General's Report; having to make the linkage between that report and the observations made by the Public Accounts Committee on the Auditor General's Report. When it has been finalised and laid on the Table, these two documents will have to be looked at and when the Deputy Financial Secretary is inviting controlling officers to respond, he has to send the comments by the Auditor General and the observations of the Public Accounts Committee to controlling officers. They have to respond. Their responses have to be looked at by their permanent secretaries, ministries and portfolios concerned, and all of this is brought together into a final document that has to be examined by the government and then brought here to be tabled.

Notwithstanding that the next session of Parliament under the new government will be in March, there is a time period stipulated—90 days. It means the report must arrive at this honourable House within a period of 90 days. We know that there have been occasions in the past where this time period has been exceeded. But every attempt has always been made to comply with this time frame.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** Thank you, Mr. Speaker, I have been listening intently to members and to you on comments made on this matter. I don't believe we should prorogue the House without having our views on this Auditor General's Report. So, I am going to move that under Standing Order 83, we suspend Standing Order 7 so that the debate of the Auditor General's Report—

**The Speaker:** I think you are referring to Standing Order 86.

#### MOTION TO SUSPEND STANDING ORDER 74(7)

**Mr. W. McKeever Bush:** Yes, suspend Standing Order 74(7) so that we can debate the Auditor General's Report on Friday, or Monday, until debate is completed on the matter.

**Mr. Roy Bodden:** Mr. Speaker.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I respectfully second that motion sir.

**The Speaker:** Once again I would like to call honourable members' attention to the provisions of Standing Order 74(9), which says "**(9) Notwithstanding Standing Order 74, the report of the Public Accounts Committee shall be deemed to have been agreed to.**" If it's the wish of the House that we debate it, it's fine with me, but we would also have 77(9).

The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** Thank you, Mr. Speaker. I would like to speak to the motion that has been moved by the First Elected Member for West Bay.

The Public Accounts Committee, as the public and this House have heard, has really spent all morning and part of the afternoon on a very long, detailed and fairly heavy-going report which has been put together after many months of consideration and meetings by the Public Accounts Committee.

There are three documents that make up this trio, which are necessary to ensure that any debate on this is transparent, is fair—

*[Members' laughter]*

**Hon. Truman M. Bodden:** —and one which is balanced.

What is being requested now is like being called into a court, put at the bar of the court and having a charge read against you, and you are expected to reply to it then, never having heard of it before. That can't be right. That is why the Standing Orders provide that if allegations are made against someone, they surely, under transparency, must have a right to consider those and be given a right to be heard and to reply.

What has happened now is a situation of accusers and the government having no right to reply.

The position has always been that the audited accounts, together with the Public Accounts Committee, together with the Government Minute in reply, is what is debated. Obviously, in the interest of transparency and in the interest of natural justice . . . it's like not giving a person the right to be heard. In fact, how in the world, when you look at the length of this Public Accounts Committee Report—it's probably one of the longest ones we've ever seen.

**Some Members:** Oh no!

**Hon. Truman M. Bodden:** Well, Mr. Speaker, it is a very long report because it took all morning plus part of the afternoon to read it. For us to now have to produce a minute that the government is given 90 days for, then it totally cuts across fairness, equity, and transparency. There is no—

**Mr. W. McKeeva Bush:** Mr. Speaker, on a point of order.

**The Speaker:** May I hear your point of order?

**Mr. W. McKeeva Bush:** Maybe the minister will allow me to clarify something.

**Hon. Truman M. Bodden:** Mr. Speaker, if he has a point of order, and he stood up on it, make the point of order. I don't want to get into clarity again.

**Mr. W. McKeeva Bush:** Well, I understand the minister doesn't want anything clarified, so I will leave him with that sir.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning, please continue.

**Hon. Truman M. Bodden:** Thank you.

This procedure that is laid down in here, which gives government 90 days to reply, and there have been times when that has been exceeded. But the procedure in this is one that is laid down in the interest of fairness and transparency. There is no way that 90 days have been given for the reply on this, that anyone can expect a reply basically a debate to go on within the next few days. There is no way we can produce a minute to something this long.

And I point out again no one sent me, and I understand none of my colleagues here, any copy of that. So when that was laid on the Table today the Public Accounts Committee jealously held this secret from us up until this stage.

**Mrs. Edna M. Moyle:** Mr. Speaker, on a point of order.

**The Speaker:** May I hear your point of order?

**Mrs. Edna M. Moyle:** If I read the Standing Orders correctly, the Public Accounts Committee is not made public until it is laid on the Table of this House. So it was not jealously withheld from any government member!

I would like that statement withdrawn as well as calling me an accuser—being a member of the Public Accounts Committee.

**The Speaker:** I listened to what you said, but there are two different things about sharing with a member and making it public, which when laid on the Table it was officially made public when I said "so ordered" and it was placed on the Table.

**Mrs. Edna M. Moyle:** But certainly, Mr. Speaker, the Public Accounts Committee's Report is not given to the government or any other member until it comes here. So we did not "jealously" withhold it.

**Hon. Truman M. Bodden:** Mr. Speaker, that point has been made so much better than I could make it. I will withdraw anything that seems to upset the member.

The point I am making, and I couldn't put my finger right on it, is exactly what the deputy Speaker has said—it is not made public. It is not given to us until it is laid on the Table here. So how in the world, in the interest of natural justice, in the interest of transparency, can we be expected to reply to it now, or tomorrow or early next week?

The point therefore is very clear. This document is not made public. It was not given to the government until we got it this morning. Therefore, there is no way that government can accede to any request at this stage to try to debate something we have not been given the proper time on to properly deal with.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** As a past chairman of the Public Accounts Committee, I rise to express my deep regret at a minister of government—no less than the Leader of Government Business—accusing honourable members of the Public Accounts Committee of being accusers and of jealously guarding the Public Accounts Committee Report. The *Hansards* must reflect that members of the Public Accounts Committee are not accusers; nor have they jealously guarded the Public Accounts Committee Report. The report was laid.

The government is inconsistent. As the First Elected Member for George Town said, when the report was much rosier in 1996, they debated and produced their Minute. Now, because they believe they are at a disadvantage and cast in a deservedly bad light, the Leader of Government Business is coming up with all kinds of lame excuses.

**POINT OF ORDER**

He's not fooling anyone because they are lame ducks. And the inefficiencies will be brought to light whether we debate the report now, or whether it becomes a matter of campaign politics. We are bound to expose them. What they are running from is exposure!

I can't help but chuckle when the Leader of Government Business talks about transparency and the right . . . if I were tongue in cheek I would say he has no right—because there is no Bill of Rights—so he has no right to talk about any rights or natural justice.

**The Speaker:** Does any other member wish to speak to the motion? The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I think it is appropriate to say that it is correct that this morning was the first time we had seen the Public Accounts Committee Report. Actually I didn't see it until I was asked to lay on the Table the Auditor General's Report and the Accounts of the Cayman Islands Government.

Members will recall that some years ago the government got a copy of the report before it actually came to the House. But that has not happened in recent times. Why that decision was made . . . perhaps there were justified reasons. I don't know. But certainly, on this report we did not see it until this morning. I think members on the other side of the floor are knowledgeable enough to know that it is not appropriate to try to debate this report without accumulating all of the facts necessary to put forward the government's case.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Granted what the ministers have said, and with every effort to be reasonable, I too did not see the report until it was tabled this morning. But I still maintain, given the circumstances . . . and why government did not see the report prior to today I have no idea. In fact, I would like to know the answer. I don't know whether it's a policy of the committee or what. I don't know because I have not asked anybody. I still don't believe it is justice to this Legislative Assembly to have the dissolution of the Legislative Assembly without debate.

If the government claims, as the Minister of Education claims, that this is one of the longest reports they have ever seen, and it took all morning and nearly all afternoon for the chairman of the committee to read the report and that they cannot have a Government Minute ready by the time dissolution has to take place, I feel debate must take place even if the Minute cannot be prepared.

If we have to give each member of the government time to prepare what they want to deal with in debate, I don't have a problem with that. Perhaps it could be debated as far as possible giving even one day for debate and staying here however long to make sure the other government business gets done before dissolution. I

don't have a problem with that. But I don't believe this House should be dissolved without debate taking place.

The First Elected Member for West Bay has moved a motion. It has been seconded. Again, I seek your guidance. The report was submitted under Standing Order 74(5) which says, "**(5) The report or special report together with a copy of the minutes of proceedings of a select committee shall be presented to the House by the chairman or other Member of the committee acting on his behalf, and shall be recorded in the minutes of proceedings of the House as having been so presented and the chairman or any Member may, forthwith and without notice, move that the recommendations contained therein be adopted, modified or rejected, and if the motion be seconded and unopposed the Presiding Officer may forthwith and without debate put the question thereon.**"

My question to you, sir, is—just seeking your guidance—what happens if it is opposed? Does that in itself force a debate? It would seem so to me, but I ask for your ruling on that, sir, because if it in fact forces a debate, then I have no more argument with the government. I am simply going to oppose the resolution, if that is how it works.

I am not 100 percent sure, that's why I am seeking your guidance.

**The Speaker:** My ruling on that is in accordance with Standing Order 77(9), "**Notwithstanding Standing Order 74, the report of the Public Accounts Committee shall be deemed to have been agreed to.**"

It has been agreed to.

*[Inaudible interjection]*

**The Speaker:** In common language, yes.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, if I may just crave your indulgence, I am wondering if you might not allow yourself to revisit 77(9) because as a matter of interpretation, I am thinking that 77(9) "**Notwithstanding Standing Order 74, the report of the Public Accounts Committee shall be deemed to have been agreed to.**" My interpretation of that, sir, says to me that is within the membership of the Public Accounts Committee before it is brought to the Legislative Assembly.

**The Speaker:** The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** While you are being asked to give guidance, I wonder if I could perhaps also ask for some guidance.

**The Speaker:** Certainly.

**Hon. Julianna O'Connor-Connolly:** When we look at Standing Order 74(5) which was alluded to by the First Elected Member for George Town, as I understand it that,

by virtue of Standing Order 74(1) refers to select committees.

I am cognisant of the Standing Order subsequent to that, which is Standing Order 81(2) which says “**(2) The Standing Orders relating to select committees shall apply to standing select committees unless otherwise specified.**” I would respectfully submit that Standing Order 77(7) otherwise specifies that in that it set out there a specific time period of three months in which the government has a discretion to bring the report and would therefore ask for due consideration that the Standing Order which was submitted under 4(5) is inappropriate taking those considerations into full light.

**The Speaker:** I stick with my original ruling. It says “notwithstanding 74” and that encompasses every subsection of 74. It didn’t say subsection 74 (2), (3), (4) it said Standing Order 74—period.

The report of the Public Accounts Committee shall be deemed to have been agreed to.

**Mr. Roy Bodden:** By whom, sir?

**The Speaker:** By the members of this honourable House.

**Mr. Roy Bodden:** No, Mr. Speaker. Please, sir. I wish to distance myself from that position. I am not agreeing with it, sir.

**The Speaker:** Well, you are not agreeing with the Standing Orders of the House.

The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** The member seems to be disagreeing with your ruling. Is that what he is saying, sir?

*[Inaudible interjections]*

**Mr. D. Kurt Tibbetts:** Mr. Speaker.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I thank you, sir. Just so that it is clearly understood, it is not a question, as the Minister of Education was inferring, of people questioning your ruling. No one is supposed to do that. No one is questioning either your ruling or your authority. Because you have been kind enough to make sure we are all very clear on this is the reason you have opinions being passed. While no one is questioning your ruling, we were wondering if perhaps a little bit of time may not be needed to ensure the interpretation of that 77(9) and also the government has brought some considerations as the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture talked about within the timing.

I certainly don’t wish to spend all evening engaged in acrimony debate, but perhaps clarity could be brought if a little bit of time were taken to ensure that everything was straight and that the decisions being made are in accordance with correct procedure.

**The Speaker:** Madam Clerk, do you have recorded the motion that was moved by the First Elected Member for West Bay?

[pause]

**The Speaker:** First Elected Member for West Bay, can you repeat your motion?

**Mr. W. McKeeva Bush:** Yes, Mr. Speaker. I asked for the suspension of Standing Orders to debate the matter, the Auditor General’s Report and the Public Accounts Committee Report on either Friday 15 September or Monday 18 September until debate is completed.

**The Speaker:** The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O’Connor-Connolly:** Just to be absolutely sure, do we now have two motions on the floor? There seems to be an addition to the original motion?

**Mr. W. McKeeva Bush:** No, no, no, no, no. Mr. Speaker, if I may.

When I moved the original motion I said, Friday or Monday. I didn’t say Monday the 18<sup>th</sup>, but I said Monday to debate it until completed.

**The Speaker:** Madam Clerk, will you read out your notes on the motion? [pause]

I think it would be more accurate if I got the transcript. But if members are willing . . . I want to conclude this motion. A motion is on the floor I must deal with it.

**Mr. W. McKeeva Bush:** Mr. Speaker, if we can’t conclude or begin on Monday, later on in the week is fine. All I am saying is give us a chance to debate the matter.

The dates can be changed, we haven’t taken any vote on them.

**The Speaker:** We shall suspend for five minutes, but please don’t get up until we get the tape.

**PROCEEDINGS SUSPENDED AT 4.20 PM**

**PROCEEDINGS RESUMED AT 4.38 PM**

**The Speaker:** Proceedings are resumed.

Before going into this motion, I would like to call attention to the Third Elected Member for West Bay, that the last paragraph in his report reads, “**Under Standing Order 77(5)**” . . . it should be 77(9), and he goes on “**and the Standing Public Accounts Committee shall be**

deemed to have been agreed to.” That correction should not have been made.

Reading from the *Hansard* of proceedings here this afternoon, the First Elected Member for West Bay said “**Yes, suspend Standing Orders so that we can debate the Auditor General’s Report on Friday or on Monday until debate is completed on the matter.**”

Does any other member wish to speak on it?

*[Inaudible interjections]*

**The Speaker:** Does any other member wish to speak on it?

*[Inaudible interjection]*

**The Speaker:** That’s what we’ve been debating. That’s what’s been on the floor.

*[Inaudible interjections]*

**The Speaker:** I think it’s appropriate that we put the question if no other member wishes to speak. The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** As the mover of the motion, are you calling upon me to wind it up?

**The Speaker:** Right. You have that right.

**Mr. W. McKeeva Bush:** Okay. That’s why I said to you earlier maybe other members want to speak.

**The Speaker:** We have one choice; we have passed the hour of interruption. We can adjourn now and come back tomorrow or something else. So . . .

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I am not trying to vary with whatever you think, but I think in fairness we were back and forth with several different issues although the motion was on the floor of the House. I just want for the Chair to recognise that I did not know, with all of the questions back and forth—because clarification was being sought about several matters—that we were actually dealing with the motion at hand. As far as I am concerned, I never spoke to the motion.

Understanding what you have said, it’s not a matter of prolonging it, but I think in all fairness, if that’s what we are dealing with now, if anyone wishes to speak to the motion, perhaps they should be allowed to. The questions I raised, the questions the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture raised were separate issues we were trying to clarify.

I think in fairness, if that’s what we are down to at this point in time, if members simply wish to speak to the motion and perhaps even if we are allowed only five minutes to do so, we should be allowed to do so.

**The Speaker:** I have no objection, but I think all honourable members are fully aware that only one motion can be on the floor at one time. I just gave you wide latitude because it was asked for.

*[Inaudible interjections]*

**The Speaker:** If that’s the wish of the House, I will allow you to make your contribution. But in any case, we have passed the hour of interruption, I either need to suspend Standing Order 10(2) to continue beyond 4.30, or we need to adjourn.

### SUSPENSION OF STANDING 10(2)

**Hon. Truman M. Bodden:** Mr. Speaker, it seems that the wish of the House is that we finish this and come back in the morning.

**The Speaker:** So you move the suspension of Standing Order 10(2)?

**Hon. Truman M. Bodden:** Yes, sir I will move the suspension to finish this motion.

**The Speaker:** The question is the suspension of Standing Order 10(2) to conclude this matter. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 10(2) SUSPENDED TO ALLOW THE HOUSE TO SIT BEYOND 4.30 TO CONCLUDE THE BUSINESS BEFORE THE HOUSE.**

**The Speaker:** If honourable members wish to debate the motion before the House so that we can debate the Auditor General’s Report and I presume the Public Accounts Committee Report at the same time on Friday or on Monday until debate is completed on the matter. The floor is open for debate.

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I certainly will not be long, but I want to bring to everyone’s attention that the reason I brought the matter up is that the Minister of Education has flaunted the word “transparency” when he was getting his legal exercise a little while ago. Perhaps he may have some courtroom business to attend to shortly.

The government must appreciate the fact that regardless of what system we have there is a process of accountability. If the government takes the position given the time frame (whether by design or coincidence) that it will not have time to prepare to debate this motion, when all of us have seen it at the same time, what is going to happen is that the government is going to vacate its posi-



tion as government regardless of who is re-elected. Whatever form the next government takes, this government will be left with an opportunity to vacate its position as Ministers and collectively as government without being held accountable or without accounting for their actions.

And let us not forget that we have not see the Auditor General's Report on the activities of the government up until 31 December 1999. But understanding the position that it is physically impossible to deal with that one, I will not put that forth to add strength to the argument. But we have what we have before us. It doesn't take the preparation of a Government Minute to be able to debate. Certainly ministers must know what has transpired, and certainly ministers have access to the public service—regardless of what it takes out of them—to be able to prepare whatever information they need to prepare in order to debate this matter.

If I were the government, I would pay credence to the fact that government needs to account for what is contained in this Public Accounts Committee Report. Forget about the Government Minute at this point in time, Standing Orders allow for this to be debated. It is not a question of what the Minister of Education said regarding “*transparency*.” I would not take him on at this point in time about *transparency*. But the way he used the word in his debate earlier, suffice it to say that in my view it is convoluted. The fact of the matter is that we are trying to exercise that same transparency by being willing to debate the Public Accounts Committee Report on the Auditor General's Report for December 31 1997.

I would personally look on it—it probably will not matter to them—but I would personally look at it as an out for them if they are not prepared to debate it. We have tonight, we have tomorrow, and we have the weekend to prepare such debate and other matters can continue on in this Legislative Assembly until that time. I believe that sensible debate could take place and the public could be well informed of their activities for 1997 to year-end. They should take this opportunity to debate it.

Mr. Speaker, if we look at sheer numbers, the government certainly has us outnumbered. Perhaps that gives them comfort. But I say again, if they use the fact that they have the ability to nullify the motion on the floor of the House, they are not only shirking their duties but they are ducking their responsibility to be accountable for their actions, sir.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Bodden:** If I may speak on what I call the ‘clarified’ motion—

**Mr. W. McKeeva Bush:** No, no, no, Mr. Speaker. I don't see . . . On a point of serious order here, and procedure, I cannot see how the Minister of Education expects to speak now on anything when he already gave his debate on this matter.

[Members' laughter]

**The Speaker:** If you wish to clarify what you said, please continue.

**Hon. Truman M. Bodden:** I think as the First Elected Member for George Town mentioned, if there was confusion earlier, several members spoke into different areas—

**Mr. W. McKeeva Bush:** No, no, no—

**Hon. Truman M. Bodden:** I now have a motion clarified before me. If I may . . . I really just wanted to state what the law is, as it appears to me under the Public Finance and Audit Law (1997 Revision). Remember, these are the 1998 accounts. It says [in section 42] “**The Accountant General shall, within the period of four months, or such longer period as the Governor may determine, after the close of each financial year, transmit to the Auditor-General- (a) statement of assets** [in other words, the accounts]. And section 43 (1) “**On receipt . . . the Auditor General- (a) shall examine [them within] . . . seven months after the close of the financial year, or such longer period as the Governor may determine, prepare and submit to the person presiding at a sitting of the Legislative Assembly a report in respect of his examination . . .**” then a copy of the accounts that goes into the Public Accounts Committee.

“**43 (2) Within the period of three months, or such longer period as the Governor may determine, after the receipt of the report and certified statements from the Auditor- General under subsection (1), a copy of the report and certified statements, together with a copy of the report of the Public Accounts Committee of the Legislative Assembly shall be- (a) laid before the Legislative Assembly; and (b) submitted to the Secretary of State.**”

That has just happened.

My point is simply this: These are the 1998 accounts regardless of whose fault . . . I am not trying to put the fault on anybody. Let me say that. These things should have come here quite a while ago, in fact. Probably nearly six to nine months back. Now what has happened, they have just come (for whatever reason). I am not pointing a finger at anyone. They have just come before here and the government has 90 days to reply—

**Mr. W. McKeeva Bush:** Mr. Speaker—

**Hon. Truman M. Bodden:** —and everyone else has—

**Mr. W. McKeeva Bush:** On a point of order.

#### POINT OF ORDER

**The Speaker:** May I hear your point of order?

**Mr. W. McKeeva Bush:** What the Minister of Education is doing, I don't know right now because. Those same remarks he just made there, he said earlier. Mr. Speaker, please. I just don't see what's happening with this House because really . . . and please give me a chance here . . . he said he wanted an opportunity to clarify. But the minister has gone on and on now, sir. Really!

**The Speaker:** I agree with you wholeheartedly. I made a ruling and I think we should have put the question at that time. But, members pleaded that they be allowed—

**Mr. W. McKeeva Bush:** Mr. Speaker, on a point of order, if I may address you.

**The Speaker:** Let me hear you.

**Mr. W. McKeeva Bush:** How could we have moved the motion at that time when I had no chance to debate what I had put forward? Or even rebut anything that was said?

**Hon. Truman M. Boddén:** Mr. Speaker, I will only be another minute. The point I am making is that the law itself is clear. Obviously, the accounts are way overdue, for whatever reason, so is the Public Accounts Committee Report. And now that we've come six to nine months later, where everyone has taken his time over months and months, and possibly years by now, then in a few days the government is expected to prepare a minute when it is given 90 days and then debate it. There is no way you can debate this without a minute. There has to be a Government Minute for this to be debated. It is unfair and it seriously lacks transparency.

*[Members' laughter and inaudible interjections]*

**The Speaker:** Does any other member wish to speak?  
The Third Elected Member for Boddén Town.

**Mr. Roy Boddén:** Mr. Speaker, I want to say that I am left confused and bemused because I cannot understand how honourable members are going to be expected to accommodate the government by taking the position that the Leader of Government Business is advocating we take.

This matter, sir, is of sufficient importance that honourable members should be allowed to debate it. And if the Leader of Government Business is talking about the 1998 report being late, then may I ask where are the 1999 reports? We should be dealing with those.

Was it not a fact that the statements had to be returned to the government three times in order for them to be placed in a satisfactory and acceptable position?

I have to give the minister credit. He's doing his best, but his defence is lame and it holds no water. What he is proposing is contrary to the Standing Orders, contrary to democracy and contrary to the Westminster system. And we are not tolerating it!

I am surprised that they are not happy to account for their actions seeing that four years ago they were the proponents of the debate. They have the numbers. Their position may allow them to be arrogant, but coming November, they will certainly not be safe. That is all I have to say, sir.

**The Speaker:** Does any other member wish to speak? Does the mover wish to reply? The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I listened in the beginning to the First Elected Member for George Town when he raised the matter. And I listened to the honourable Financial Secretary's reply when he said they will not lay the report, the Government Minute, before prorogation. I realise that we will not have a chance to express our views on the matter. Even if we take what was being said, we were agreeing to it.

I know that in 1996, while I was part of Executive Council, the Government Minute was laid in six days. I remember because we said we didn't want the House to be prorogued without Members having an opportunity to air . . . and the government having a chance to air its feelings on the matters raised in the Auditor General's Report the Public Accounts Committee Report and the Government's accounts.

Now, we have 12 days (according to my arithmetic) before dissolution. Why in the world can't Executive Council have the Minute before that time I don't know. Why?

This is not a motion asking government to bring the Minute now—which is their response to these matters. This is not asking them to rush their Minute. This motion is about debate so that exactly what the Minister of Tourism, and the Minister of Education said can take place so that transparency can exist and that they can be held accountable. As it stands, if we do not have that opportunity they will say anything without anybody having a chance to tell the world how they feel.

I do not agree with them that the Auditor General's Report is not seen by ministers before it is laid. Some of them said they did not see the report before it was laid. In this matter the Executive Council will have the same opportunity as I, or those other members of this House who are not part of the Public Accounts Committee to peruse and search, so that they can give sensible debate.

They have better opportunity than us on the opposition because they have a whole civil service at their disposal, to sit down with them on the weekend and look at the report. If we debate on Monday, or Friday next week, they would have the same time as we have on this side. So don't tell me that they are going to be at a disadvantage. That does not hold water.

If they are talking about fairness, it can't be fair for this House to close down with nobody having a say on this matter. This is what fairness is, and this is what would be transparent. And depending on what members say, it could even be balanced.

I know one thing: I understand that the Auditor General gives the government the matters that are controversial or serious before he lays his report and before he puts it in book form. They have a chance to reply to his office before it is put in book form. That is the procedure. So they know every blinking thing that he is going to lay on the Table of this House. The only ones who are disadvantaged are those of us in the opposition who are not on the Public Accounts Committee. We don't know.

So, they know exactly what he is saying on any controversial issue or project, such as Pedro Castle, or on whatever fees they think Government is due. They already know. For them to come here and say they don't . . . I don't believe they are telling the truth.

I am prepared to give them more time. I am prepared to give them until the 24<sup>th</sup>. So I ask that we agree to an amendment that the government debates this on the 24<sup>th</sup>.

[Inaudible interjections]

#### AMENDMENT TO MOTION

**Mr. W. McKeever Bush:** Well, Mr. Speaker, if that is a Sunday, then Friday or Thursday. Friday the 22<sup>nd</sup>. I move that amendment.

**The Speaker:** Is there a seconder?

**Mr. Roy Bodden:** I beg to second that, sir.

**The Speaker:** I hope members don't want to debate the amendment!

[laughter]

**The Speaker:** I shall now put the question on the motion before the House as amended "**so that debate on the Auditor-General's Report up until 18 September, up until debate is completed on the Matter.**" Those in favour please say Aye. Those against, No.

**AYES and Noes.**

**The Speaker:** The Noes have it.

**Mr. W. McKeever Bush:** May we have a division please?

**The Speaker:** Madam Clerk, please call the division.

**The Clerk:**

#### DIVISION NO. 13/00

##### AYES: 4

Mr. W. McKeever Bush  
\*Mr. D. Kurt Tibbetts  
\*\*Mr. Roy Bodden  
Mrs. Edna M. Moyle

##### NOES: 7

Hon. Donovan Ebanks  
Hon. David Ballantyne  
Hon. George A. McCarthay  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. Anthony Eden

Hon. J. O'Connor-Connolly

#### ABSENT: 6

Hon. John B. McLean  
Mr. John D. Jefferson, Jr.  
Mr. D. Dalmain Ebanks  
Mr. Linford A. Pierson:  
Dr. Frank McField:  
Miss Heather D. Bodden:

**\*Mr. D. Kurt Tibbetts:** Before I vote, I want to understand something. The First Elected Member for West Bay moved for that date to be changed to the 22<sup>nd</sup>. The motion you put to us to vote on was for the 18<sup>th</sup>. Are we going to have two votes? Or should it have been for the 22<sup>nd</sup>. I just want to make sure what I am voting on.

**The Speaker:** Put any date you want. It is okay with me. The 22<sup>nd</sup>? Put the 22<sup>nd</sup>.

Please continue with the division.

**\*\*Mr. Roy Bodden:** Mr. Speaker, some are voting on the 18<sup>th</sup> and some are voting on the 22<sup>nd</sup>. I cannot—

**The Speaker:** I only have one voice, and I said the 22<sup>nd</sup>. So let's go with that.

**The Speaker:** The result of the division, Ayes, four; Noes, seven; Absent, six. The Noes have it, the motion failed.

#### MOTION TO DEBATE THE AUDITOR-GENERAL'S REPORT (AND THE PUBLIC ACCOUNTS COMMITTEE'S REPORT) ON 22 SEPTEMBER 2000, NEGATIVED BY MAJORITY.

**The Speaker:** I will now entertain a motion for the adjournment of this honourable House.

#### ADJOURNMENT

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM tomorrow, the 15<sup>th</sup> September Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 5.08 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 15 SEPTEMBER 2000.**



**CAYMAN ISLANDS  
LEGISLATIVE ASSEMBLY**

**REPORT**

of the

**STANDING  
PUBLIC ACCOUNTS COMMITTEE**

**on the Report  
of the Auditor General  
on the Financial Statements of the  
Government of the Cayman Islands  
for the year ended 31<sup>st</sup> December, 1998**

---

*Tabled in the Legislative Assembly on the 14<sup>th</sup> day of September, 2000.*

# **PUBLIC ACCOUNTS COMMITTEE**

(14<sup>th</sup> March, 4<sup>th</sup>, 11<sup>th</sup> April, 2000)

## **Table of Contents**

|                                                                        | Page Number |
|------------------------------------------------------------------------|-------------|
| REFERENCE .....                                                        | 3           |
| PAPERS CONSIDERED.....                                                 | 3           |
| MEETINGS OF THE COMMITTEE .....                                        | 3           |
| ATTENDANCE OF MEMBERS .....                                            | 3           |
| PERSONS IN ATTENDANCE.....                                             | 3           |
| WITNESSES .....                                                        | 4           |
| PRACTICE AND PROCEDURE OF THE COMMITTEE .....                          | 4           |
| COMMITTEE'S FINDINGS AND RECOMMENDATIONS:                              |             |
| AUDIT OPINION – OVERSEAS MEDICAL ADVANCES .....                        | 5           |
| FINANCIAL HIGHLIGHTS 1998 .....                                        | 6           |
| ENVIRONMENTAL PROTECTION FUND .....                                    | 6           |
| INFRASTRUCTURE DEVELOPMENT FUND.....                                   | 8           |
| LEGISLATIVE OVERSIGHT OF CAPITAL PROJECTS .....                        | 8           |
| ADVANCE ACCOUNTS –                                                     |             |
| Overseas Travel Training .....                                         | 9           |
| Official Travel .....                                                  | 9           |
| Loans To Civil Servants And Non-Civil Servants.....                    | 10          |
| Customs Deposits.....                                                  | 10          |
| THE HEALTH INSURANCE LAW –                                             |             |
| The Health Insurance Fund .....                                        | 11          |
| Revenue Systems.....                                                   | 12          |
| General Issues.....                                                    | 13          |
| ARREARS OF GARBAGE FEES .....                                          | 14          |
| ELDERLY CARE IN THE CAYMAN ISLANDS .....                               | 15          |
| STATUTORY AUTHORITIES .....                                            | 16          |
| Port Authority .....                                                   | 17          |
| Water Authority .....                                                  | 17          |
| Civil Aviation Authority .....                                         | 17          |
| Position Regarding 2000 Contributions .....                            | 18          |
| PEDRO ST. JAMES – FINANCIAL AND TECHNICAL AUDITS OF KEY CONTRACTS..... | 19          |
| Project viability .....                                                | 23          |
| Financial Statements of the Tourism Attraction Board .....             | 24          |
| Special Audit of Pedro St. James .....                                 | 24          |
| ACKNOWLEDGEMENTS .....                                                 | 25          |
| REPORT OF THE COMMITTEE .....                                          | 25          |

**REPORT OF THE STANDING PUBLIC ACCOUNTS COMMITTEE ON THE  
REPORT OF THE AUDITOR  
GENERAL ON THE AUDITED ACCOUNTS OF THE  
CAYMAN ISLANDS GOVERNMENT FOR THE YEAR  
ENDED 31<sup>ST</sup> DECEMBER, 1998**

**1. REFERENCE**

The Standing Public Accounts Committee of the Cayman Islands Legislative Assembly, established under Standing Order 77, met to consider the Report of the Auditor General on the Audited Accounts of the Cayman Islands Government for the year ended 31<sup>st</sup> December, 1998, as prepared and submitted by the Auditor General.

**2. PAPERS CONSIDERED**

In accordance with the provisions of Standing Order 77(1), the Committee considered the following papers referred to it by the House:

- (1) Report of the Auditor General on the Audited Accounts of the Cayman Islands Government for the year ended 31<sup>st</sup> December, 1998; and
- (2) The Audited Accounts of the Government for the year ended 31<sup>st</sup> December, 1998.

**3. MEETINGS OF THE COMMITTEE**

The Committee held six meetings, being:

- (1) Tuesday, 14<sup>th</sup> March, 2000
- (2) Tuesday, 4<sup>th</sup> April, 2000
- (3) Wednesday, 11<sup>th</sup> April, 2000
- (4) Tuesday, 20<sup>th</sup> June, 2000
- (5) Tuesday, 4<sup>th</sup> July, 2000 and
- (6) Wednesday, 5<sup>th</sup> July, 2000.

**4. ATTENDANCE OF MEMBERS**

The attendance of Members of the Committee are recorded in the Minutes of Proceedings which are attached and form part of the Report.

**5. PERSONS IN ATTENDANCE**

In accordance with Standing Order 77(8), the following persons were in attendance:

Mr. Nigel Esdaile, Auditor General  
Mr. A Joel Walton, JP, Deputy Financial Secretary  
Mrs. Sonia McLaughlin, Accountant General

Also in attendance were:

Mr. Kenneth Jefferson, Audit Manager, Audit Office  
Mr. Terrence Outar, Audit Manager, Audit Office  
Mrs. Debra Welcome, Chief Accountant

## 6. WITNESSES CALLED BEFORE THE COMMITTEE

In accordance with the provisions of Standing Order 77(4), the Committee, on the 4<sup>th</sup> of April, invited the following Controlling Officers to give information or explanation to assist the Committee in the performance of its duties:

- ◆ *Mr. Harding Watler, JP, Permanent Secretary, TCT&W*
- ◆ *Miss Patricia Ulett, Administrative Officer TCT&W*
- ◆ *Mr. Max Jones, Executive Engineer, Public Works Department*
- ◆ *Mrs. Laura Dere, Financial Controller, Tourism Attractions Board*
- ◆ *Mr. Kirkland Nixon, MBE., JP, Chairman, Historic Sites Committee*
- ◆ *Mr. Errol Bush, MBE, Director, Port Authority of the Cayman Islands*
- ◆ *Mr. Richard Smith, Director, Civil Aviation Authority*
- ◆ *Mrs. Dana Tudor, Financial Controller, Civil Aviation Authority*
- ◆ *Mr. Fredrick McTaggart, Director, Water Authority*
- ◆ *Mr. Carlon Powery, Collector of Customs*
- ◆ *Miss Georgena Seymour, Financial Controller*
- ◆ *Mrs. Jewel Evans-Lindsey, Director, Public Service Pension Board*
- ◆ *Mrs. Jenny Manderson, MBE., JP, Permanent Secretary, Personnel*
- ◆ *Mrs. Clythe Linwood-Cowan, Training Services Manager, Personnel Department*
- ◆ *Miss Andrea Bryan, JP, Permanent Secretary, HSWDAP&R*
- ◆ *Mr. Mervyn Connolly, Director of Health Services*
- ◆ *Mr. Colin Brown-Smith, Chief Financial Officer, Health Services*
- ◆ *Mr. Christopher Collins, Supervisor of Health Insurance*
- ◆ *Mr. Malcolm Ellis, Information SVC, Health Services*
- ◆ *Mrs. Deanna Look Loy, Director of Social Services*
- ◆ *Mrs. Dawn Rankine, Adult Special Needs Director*
- ◆ *Miss Alecia Dixon, Deputy Director, Social Services*
- ◆ *Mr. Peter Shoniger, National Drug Coordinator*
- ◆ *Miss Kathy Delaphena, Director of Research and Planning*
- ◆ *Mr. Peter Kosa, Director of Operations and Marketing Promotions*
- ◆ *Mrs. Theresa Kuczynski, Director, Department of Environmental Health*
- ◆ *Mr. Peter Gough, Director of Budget and Management Unit, Finance Department*
- ◆ *Mrs. Gina Petrie, Director, Department of Environment*
- ◆ *Mr. James Corcoran, Director of Planning*
- ◆ *Miss Debra Drummond, Asst. Permanent Secretary, Finance Department*
- ◆ *Mr. Richard Crawshaw, Chief Executive Officer, Cayman Islands Stock Exchange*

## 7. PRACTICE AND PROCEDURE OF THE COMMITTEE

In the Committee's report on the Audited Accounts for 1997, the following was stated:

### **“9. Future Meetings of the Public Accounts Committee**

*The Committee wishes to advise the Government that it intends to modify its current practice and procedures pursuant to Standing Order 77(6) in order to permit public access to its future meetings. The Committee has taken this **decision to further promote openness and accountability in government and, in the spirit of the current public service reform initiatives, looks forward to the Government's support.**”*

On the 14<sup>th</sup> March the Committee agreed in accordance with the provisions of Standing Order 77(6) that its meeting to be held on the 4<sup>th</sup> of April, at which Controlling Officers would provide information, should be held in an open forum.

## **8. COMMITTEE'S FINDINGS AND RECOMMENDATIONS**

### **Audit Opinion (Auditor General's Report paragraphs 1.4 –1.6)**

#### **Overseas Medical Advances (Auditor General's Report paragraphs 1.36 - 1.48)**

The Committee is pleased to note that the Health Services Department has made significant improvements to both the organisational and financial issues raised in the 1995 Auditor General's Report. However, the overseas medical advances account has increased from \$12,579,989 in 1997 to \$14,631,669 as at 31 December 1998. Once again, and similar to the last three years, the Auditor General has qualified his audit opinion on the 1998 Government accounts due to the inappropriate accounting treatment for overseas medical advances.

Overseas medical advances made up 36% of Government's total assets at 31 December 1998 and exceeded the accumulated surplus of \$9.1 million reported on the General Revenue Fund. If all the overseas medical advance accounts were brought to account in 1998 the General Revenue Fund would have shown an accumulated deficit of \$5.5 million. The Committee is well aware that accumulated advances will eventually have to be brought to account. In that particular year, the expenditure reported will be inflated with expenses which should have been brought to account in prior years. In the event that the General Revenue Fund records a small surplus in that particular year the impact of this one time charge will result in a huge deficit for that year. The Committee was informed that Government had set aside \$2.5 million in 1999 to provide for write off of overseas medical expenses against the General Revenue Fund. This is a good first step but it will only cover new overseas advances made during 1999. Outstanding overseas medical advances remain at \$15 million (un-audited) as at the end of 1999.

With the introduction of compulsory health insurance, there should be only a few instances where Government has to provide coverage for indigent and uninsurable persons. This would seem to be an ideal time for the Health Services Department to make a realistic assessment of advances that are irrecoverable. The Committee notes that both the Internal Audit Unit and the Auditor General's Office has carried out work in this area. Health Services Department has also tried to collect outstanding advances over the years. The conclusions of the Audit Departments and Health Services Department own experience with their collection efforts should place them in a solid position to determine the recoverability or otherwise of these balances.

At 31 December 1998, \$1,271,000 of overseas medical advances relates to amounts owed by civil servants and their dependents and retired civil servants. These liabilities arise because the above mentioned individuals referred for overseas medical treatment have to pay a contribution towards the room rates in the overseas hospital. This is a requirement of General Orders. The Committee considers that General Orders should have been amended many years ago and the full cost of overseas medical for civil servants met by their employer, the Government. This would seem to be a good time for Government to consider an amnesty on all amounts owing by civil servants and their dependents and retired civil servants relating to room charges for overseas medical treatment. The Committee hopes that the new health insurance scheme will take care of the problem of excess room charges in the future.

The Committee makes the following **recommendations**:



- (a) Expenditure accumulated in advance accounts should be expensed to the General Revenue Fund without any further delay so that the Government's true financial position is disclosed in the 1999 accounts. Loan accounts should be established in cases where beneficiaries have some capacity to pay;
- (a) All necessary steps should be taken by the Health Services Department to recover overseas medical advances from those able to pay; and
- (b) Government should consider granting an amnesty on all balances owing by civil servants and their dependents and retired civil servants relating to room charges for overseas medical expenses.

### **Financial Highlights 1998 [Auditor General's Report paragraph 1.13, Figure 1.1]**

The Committee is pleased to acknowledge that Government's financial performance improved in 1998. Excluding the General Reserve Fund, cash balances were \$12.9 million as at 31 December 1998, the strongest cash position since 1989. However it should be noted that this represents only 17 days operating expenses. Overall, the deficit before loan finance and transfer to Reserves amounted to \$6.7 million compared to \$26.4 million in 1997.

The net cash inflow for the year was \$13.7 million. However the Committee has concluded that the strong cash position was partly attributable to an under-expenditure of \$4.1 million on the Capital Development Fund, compared to the original approved Estimate. Despite the reduced capital expenditure, the full proceeds of a \$19.5 million local loan were drawn down, resulting in a year end cash balance of \$4.1 million held within the Capital Development Fund. This will result in additional public debt repayment costs in the years to come.

The Committee also noted that only \$4.3 million of the accumulated cash balances were held within the General Revenue Fund. In the opinion of the Committee, this is a more realistic assessment of funds available to cover general operating costs, as other cash balances are restricted to special purposes.

### **Environmental Protection Fund [Auditor General's Report paragraphs 1.24 – 1.32]**

This Fund was established in late 1997 for the purpose of defraying expenditure incurred in protecting and preserving the environment. However, the Motion creating the establishment of the Environmental Protection Fund (EPF) did not define the criteria for determining the scope and extent of activities that would be deemed to constitute "protection and preservation of the environment". During 1998 an amount of \$2,028,400 was transferred from the EPF to the Capital Development Fund to fund 18 capital development projects. The Auditor General has reported that only three of these projects costing \$489,997 appear to relate to the protection and preservation of the environment." In the opinion of the Auditor General, the remaining projects, notably playing fields, sports facilities, channels and launching ramps and drainage, do not. He concludes that in total \$1,194,603 has been allocated to purposes not approved by the Legislative Assembly plus a further \$343,800 of funds which were unspent.

The Committee also takes note of the Auditor General's recommendation that appropriations from the Fund should be formalised by means of a resolution of Finance Committee. The Committee recalls that projects to be funded from the EPF were not identified in the original 1998 Budget documentation. Members understood that the Minister responsible for capital development was to provide Finance Committee with a list of projects to be funded by the EPF. Subsequently, in May 1998, a document

entitled “*Re-prioritised Capital Development Budget 1998*” was presented to, and approved by, Finance Committee. The only information concerning use of EPF funds was a black box shown against certain projects, which apparently was to intimate that the project in question was to be funded from the EPF. The Committee agrees that the correct procedure of seeking the Legislative Assembly’s approval for use of EPF monies should have been via a formal resolution and not indirectly via a note to the Reprioritised Capital Budget.

The Committee has established that the list of environmental projects was compiled by the Director of the Budget and Management Unit without any input from the Department of Environment. Furthermore, no rules or criteria had been established by the Government to regulate the use of these funds. The Committee concluded that the Director, BMU should not have been placed in the position to choose which projects were to be funded from the EPF. That function is the responsibility of the Financial Secretary, acting on the advice of elected Ministers.

The Committee was also provided with information by the Director of the Environment. The Committee was informed that the Department of the Environment submitted interim guidelines to Executive Council in April 1999 regarding the use of EPF funds. The DoE identified five broad criteria of how funds could be used, comprising:

- (a) Conservation of Cayman Islands marine and terrestrial resources allowing for sustainable use where appropriate and feasible;
- (b) Strengthening the identification, assessment and monitoring of Cayman Islands biodiversity;
- (c) Increasing insitu protection and conservation of biodiversity, including land purchase for conservation;
- (c) Improving research and conservation of the Cayman Islands natural environment;
- (d) Improving public education and awareness of all facets of natural environment and biodiversity conservation in the Cayman Islands.

The Committee was also informed that international practice is to treat special environmental funds as a complement to central government funding for the environment, and not as a replacement for it.

The Committee makes the following **recommendations**:

- (a) Government should develop clear guidelines on the use of EPF monies and table these in the Legislative Assembly. Although the Committee does not wish to stray into policy areas, it would seem to be appropriate to seek advice and guidance from the Department of Environment on recognised international practices regarding the use of these funds.
- (b) If necessary, Motion 14/97 should be amended to provide clear rules and guidance on the authorised uses of EPF funds;
- (c) In future, any expenditure from the EPF should be authorised by means of a proper Motion so that legislators are fully aware of how funds are to be utilised.

## **Infrastructure Development Fund [Auditor General's Report paragraphs 1.33 – 1.34]**

Government introduced a range of revenue enhancement measures during fiscal 1997. One such measure was the establishment of an Infrastructure Fund.

The Fund's revenue comes from two sources: infrastructure fees payable under the Development and Planning Law (Amendment) Law, 1997 and 1.5% Stamp Duty on land transfers in certain defined areas. Revenue collected in the Fund during 1998 amounted to \$3.2 million. There was no expenditure from the Fund during 1998 and at 31 December 1998 it had accumulated \$3.9 million in a separate bank account. The Committee believes that Government's borrowing of funds from commercial banks during 1998 to finance its capital programme could have been lessened by the use of monies from the Fund. Future interest costs on the repayment of loans could therefore have been reduced.

The Committee dealt with the matters relating to the Fund quite extensively in its 1997 Report. The Committee is disappointed that the Government Minute did not even address these matters. None of the Committee's 1997 recommendations have been adopted.

The Committee **recommends** that:

- (a) the recommendations made in its 1997 Report be considered by Government during fiscal 2000;
- (b) Government should establish clear terms of reference as to how monies in the Fund can be spent. Those terms should be presented to the Legislative Assembly.

### **Legislative Oversight of Capital Projects**

As a general comment, the Committee considers that insufficient financial information about major capital projects is being provided to Finance Committee. The information flow has been deficient in two main areas, disclosure of total estimated costs and reporting of actual costs.

For several years very little information on total estimated project costs was provided in the annual Estimates. Finance Committee was simply invited to approve an annual appropriation. The Committee acknowledges that the Government has partially addressed this weakness and has provided estimates of total project cost in both the 1999 and 2000 Estimates. However the Committee questions the accuracy of certain total project costs disclosed in the capital Estimates and has concluded that better disclosure is needed. The Committee suggests that this is an area of financial management which warrants further examination by the Auditor General's office. The Committee believes that the quality of information could be improved and legislators better informed if the capital Estimates were supported with a project description and preliminary costing for all new projects costing over (say) \$500,000. This could be tabled at the same time as the annual Estimates. Finance Committee would be advised and approval sought if the total estimated project cost was likely to be exceeded.

The other area where information flows are deficient is financial reporting of project costs. Whereas the capital Estimate is scrutinised and discussed project by project, appropriation is sought only by a single Head "Capital Development Head 54". Traditionally the annual accounts follow the format of the capital Estimates but expenditure is reported only at sectoral level - e.g. Public Buildings, Roads, Health Care Facilities, etc. Individual project costs are not reported with the result that Members are never informed of the final costs of projects. The Public Accounts Committee feels this hampers effective oversight and monitoring by the Legislative Assembly. To some extent this problem can be attributed to the structure

of the old general ledger accounting system which did not facilitate flexible reporting. Indeed, for project management purposes, Public Works Department created a separate project accounting system. The new accounting system (IRIS) is structured with a separate accounting code for each project and is able to support financial reporting at both sectoral and project level.

The Committee has also been advised that the proposed change to accrual based accounting will require capital development expenditures to be reported by project and not by sector. This serves to emphasise the need for change in the reporting format.

The Committee's general concerns were vividly illustrated in the case of the Pedro St James project, which is discussed later in this Report.

The Committee recommends the following:

- (a) A project description and preliminary costing should be presented to the Legislative Assembly in respect of every new capital development project costing over \$500,000 and any amendments thereto.
- (b) Legislators should be invited to vote for a total project cost that could not be exceeded without prior legislative approval.
- (c) Annual financial reporting of the capital development programme should be by individual project within a sector.
- (d) Finance Committee should be provided with a project completion report in respect of every completed project costing in excess of \$500,000. This report would provide an analysis of actual cost components (elements) compared to the original approved total estimated cost, with explanations being provided for significant variances.
- (e) These changes should be introduced with effect from financial year 2001.

#### **Advance Accounts:**

##### ***Overseas Training Travel* [Auditor General's report paragraph 1.50]**

In previous years the cost of Civil Servants' overseas training was met from one central vote that was administered by the Personnel Training Unit. Funds issued to officers are classified as overseas training advances until expense claim returns are submitted to account for the monies spent and these returns have been accepted by Treasury as accurate. Once this occurs, the funds are classified as expenditure. The administrative arrangement to account for the cost of training Civil Servants has been decentralised. Most Government agencies have now been assigned their own individual training vote.

At 31 December 1998, balances on Overseas Training Advance accounts totaled \$154,865. During 1999, Treasury and the Personnel Training Unit carried out an extensive review of individual advance accounts. As a result of the review, balances on accounts that existed at 31 December 1998 were reduced to \$69,654. New advances arose during 1999 and these caused the cumulative balance on all advance accounts to increase to \$92,645 at 31 December 1999.

### ***Official Travel - [Auditor General's report paragraph 1.51]***

In its 1997 Report, the Committee requested a further report from the Auditor General regarding the outstanding balances on overseas travel advance accounts for the financial year 1998. We also urged the Financial Secretary and Accounting Officers to resolve this matter by ensuring that all advances are properly accounted for before the 1998 accounts were submitted. The Committee notes that problems with uncleared official travel advances have persisted in 1998, though the magnitude of the problem seems to have reduced.

The Committee believes that the present system is unnecessarily bureaucratic and is in dire need of reform. The Treasury spends too much time and effort accounting for advances issued to Civil Servants for official travel and training. The Committee substantiates their position by the fact that the Auditor General has found little evidence that travel advances are being abused by the Civil Servants.

The Committee again **recommends** the establishment of a non-accountable daily rate to cover accommodation, meals and subsistence expenses for each country or area Civil Servants visit. The Committee believes that this recommendation will not cost government any additional money. It should result in official travel advances being brought to account more speedily than the present mechanism and should also result in a significant human resource saving in the Treasury Department – resources which are needed for the development of the Financial Management Initiative. The Committee also recommends that the Governor, Members of Executive Council and Permanent Secretary level appointments be provided with corporate credit cards for use on official travel only.

The Committee further **recommends** that a proposal be made to the Financial Secretary to write-off balances on advance accounts, as unvouched expenditure, if efforts to secure adequate documentation or explanations for the disposition of funds issued to officers fail, because of the passage of time.

### ***Loans to Civil Servants and Non-Civil Servants - \$164,816 [Auditor General's Report paragraphs 1.56 – 1.57]***

The outstanding balances on loans to Civil Servants and Non-Civil Servants were, respectively, \$43,736 and \$121,080 at 31 December 1998. Some of these loans are over six years old.

The Committee is aware that approximately \$70,000 was allegedly misappropriated at Northward Prison, between January 1990 and July 1992. This item accounts for most of the \$121,080 of outstanding balances at 31 December 1998 that have been classified as loans to Non-Civil Servants. As legal action was not proceeded with, Finance Committee approved write-off of this amount to expenditure in December 1999.

The Committee **recommends** that all attempts should be made to recover the amounts that currently remain outstanding in respect of loans to Civil Servants and Non Civil Servants. Although it may not be possible to legally pursue some loans in the Courts because of their age, the Committee believes that Government should make one last attempt to persuade debtors to repay their obligations. If this fails, the Committee **recommends** that the Financial Secretary present a proposal to Finance Committee for their write-off to expenditure.

### ***Customs Deposits - \$1,670,333 [Auditor General's Report paragraphs 1.62 – 1.64]***

Customs and Treasury Departments keep separate records of deposits placed by businesses in the Islands with Government. The Committee was informed that the deposits are held to ensure that Government can recover duty when traders request the immediate release of perishable goods or those of an emergency nature. When duty is assessed after the goods have been released to traders, the balance on the deposit

account is reduced by the amount of assessed duty. This amount is transferred to General Revenue. Traders will periodically inject additional funds to their deposit account so that the balance is sufficient to cover the likely duty assessment on imported goods. The Committee was told that this procedure exists with approximately 30 traders. When goods of a non-perishable or non-emergency nature are imported, duty has to be paid outright before the items are released.

There have significant variances between Treasury and Customs records of deposits and bonds. In its 1997 Report the Committee urged that these deposits be reconciled as a matter of urgency. The Committee is pleased to report that the reconciliations were completed in time for the closure of the 1988 accounts and acknowledges the assistance of the Accountant General in this regard. For 1998, the Audit Office carried out further independent confirmation with 18 of the largest traders. This exercise revealed significant variances between Customs/Treasury records and those reported by individual traders. The Audit Office was able to agree only 2 of the 18 balances. Further investigations revealed two cases where the Customs deposit account was overstated by \$230,000. The results of this exercise were shared with Customs.

The Audit Office recommended that Customs conduct its own trader confirmation in respect of deposit balances at 31 December 1999 and the Collector of Customs has accepted this recommendation. However, as of April 2000, Customs had not started the reconciliation process in respect of these balances. Customs officials stated that they planned to start the reconciliation process firstly with the records kept by Treasury and once this was completed, to commence the exercise with traders. The Committee is rather disheartened and perturbed that the exercise had not commenced especially since the Department had previously recognised the importance of this work. The Committee was told that the reconciliation process could not commence before May 2000 because new staff was being trained and the Accounts Section of Customs was being reorganised. The Committee considers that this matter is not receiving the priority it deserves and requested the Deputy Financial Secretary to carry out a review of trader deposit reconciliation. The Deputy Financial Secretary has agreed to prepare a report and to submit it to the Committee within 90 days – that is by 4 July 2000. The report has now been submitted to the Committee.

The Committee makes the following **recommendations**:

- (a) Reconciliation of traders' deposit balances at 31 December 1999 between Customs / Treasury records and traders must be completed by the end of June 2000 at the very latest. The Committee request a further report on progress from the Auditor General.
- (b) If it is not possible to determine which set of records (Customs or traders) is correct, Customs should adopt the deposit balance per traders' records;
- (c) Once the 31 December 1999 reconciliation have been completed, Customs should maintain the process on a monthly basis;
- (d) Customs should adopt any recommendations arising from the Deputy Financial Secretary's review.

## **The Health Insurance Law, 1997 [Auditor General's Report 2.1 – 2.10]**

### ***The Health Insurance Fund***

The Health Insurance Law was introduced during 1997 and took effect in July 1998. The Health Insurance Fund was established for the purpose of defraying the cost to Government of providing medical treatment to indigent uninsurable and partially uninsurable persons. The Fund collects \$5 per

month in respect of individuals or \$10 per month in respect of family coverage from each premium paid to every approved insurance provider. Funds collected are paid into a segregated Fund administered by an Administrator, who is the Superintendent of Insurance of the Cayman Islands Monetary Authority. The funds may only be used to pay for medical treatment provided at a Government medical institution. Reimbursable costs are limited to benefits prescribed in a standard health insurance contract, including referral to an overseas health care facility by the Chief Medical Officer.

The Committee notes that no claims were made by Government against the Fund as of 31 December 1998 because it was felt that the Health Insurance Law and Regulations did not provide explicit authority for the Administrator to make disbursements to Health Services Department. This was subsequently rectified by the Health Insurance (Amendment) (Indigent Persons) Regulations 1999, which was approved by the Legislative Assembly in April 1999. The Committee notes that there have been delays in submitting claims for reimbursement. As at 31 December 1999, only \$24,000 in claims had been reimbursed from the Fund to the Health Services Department. The Committee was informed that a further \$868,000 of claims for 1999 are pending, with approximately \$300,000 settled as of May 2000. The Committee trusts that Health Services will be able to submit claims for the year 2000 and beyond on a timely basis and that these will be settled promptly by the Administrator.

The Committee takes particular note that Health Services Department will be reimbursed from the Health Insurance Fund, for indigent uninsurable and partially uninsurable persons, only to the level of coverage prescribed under the standard health insurance contract. This means that the Government will still have to bear some costs relating to medical treatment of indigent uninsurable and partially uninsurable persons. The Ministry of Health may wish to consider this matter further to ensure that as large a portion of the cost as possible is covered by the Fund.

Other issues arising from the Committee's examination include the problems faced by individuals who are uninsurable or partly uninsurable by virtue of a pre-existing medical condition but who are not classified as indigent. Those persons are willing to pay for health insurance but cannot get cover and can be faced with substantial medical bills which they have great difficulty in settling. The Committee has been assured that government health services will always treat patients first and then seek settlement of hospital bills. The Committee was very pleased to learn that the Ministry is continuing to work towards finding a solution to this problem. As this is a policy matter, the Committee makes no specific recommendation but assures the Ministry of its support.

In addition, it is estimated that the cost of providing health insurance for civil servants and their dependants will be about \$8.5 million per annum. This is a new incremental cost to the Government budget and the Committee earnestly hopes that much of this will be offset by medical fees recovered by the Health Services Department from insurers. Likewise, the new Health Insurance Fund mentioned earlier also provides an opportunity to recover fees for services, which hitherto have been provided free of charge to indigent uninsurable persons.

### ***Revenue Systems***

The Health Services Department uses the existing computerised revenue system to capture revenue transactions, issue billings to insurance companies and control accounts receivables from insurance companies and patients. The Committee notes that the present system is inadequate and this has led to slow processing of receipts from insurance companies and a buildup of accounts receivable balances. These problems were identified before civil servants and their dependents were covered by health insurance on 1 March 2000. The Committee is concerned that the problem may deepen with the increased volume of claims. The introduction of compulsory health insurance gives the Department an

opportunity to improve their revenue position. However the Department needs to be adequately resourced both in terms of personnel and revenue systems.

The Committee is pleased to note that some progress has been made with late payment of insurance claims from insurance companies. The HSD, the Ministry of Health and the Superintendent of Health Insurance should coordinate their efforts in ensuring that insurance claims are settled on a timely basis. The Committee suggests 14 days for local companies and 28 days for overseas companies in settling insurance claims. In those cases where charges have to be paid by the patients, these should be billed out promptly to patients within a five-day period. All patient balances should be vigorously followed up. The Committee notes that the Health Services has received three reports recently relating to the operations of the Insurance section. The Committee urges the Department to implement those recommendations which will enhance its ability to adequately record and capture insurance billings in the most efficient and effective manner.

### ***General Issues***

The Committee is concerned about late payment of claims from some insurance companies and the cancellation of insurance policies relating to persons with certain medical conditions. This affects both government finances and individuals. The Committee has heard instances from members of the public that certain health care professionals charge one rate for medical services if cash is being tendered and a higher rate if insurance cards are being used. It has also been noted that many private health care professionals do not accept certain insurance cards. The Committee is not very sure as to the real cause of these problems but is concerned that the public is placed in a disadvantaged position, having to pay their premiums as well as their medical fees in advance. The Committee recognises that there are problems with some insurance companies not making timely payments which is contributing to this problem. It may be time for the Health Insurance Legislation to be amended to ensure that insurance companies settle claims in a timely manner. The Ministry should also investigate the issue of higher charges for medical services when an insurance card is used.

The Committee **recommends** the following:

- (a) Health Service Department needs to develop an effective monitoring system to manage accounts receivable from insurance companies. The Committee suggests that top priority should be given to settlement of all claims outstanding for 60 days or more to Government. If settlement delays continue the matter should be referred to the Legal Department for advice and assistance.
- (b) Government should also consider introducing legislation to define maximum periods in which insurance companies are permitted to settle claims.
- (c) Government should try to establish the extent of cancelled insurance policies relating to certain medical conditions by some insurance companies. A compromise must be worked out since it appears many persons are without insurance cover. Since Government may have to provide medical services to these individuals as a last resort, consideration could be given to insuring such persons under the Health Insurance Fund.
- (d) It seems unfair that private health care practitioners do not accept certain insurance cards as this places a financial strain on many patients. The Committee acknowledges that this may be due to a poor payment history by certain insurance companies. The Ministry of Health should try to resolve this problem so those patients can obtain some financial relief.



- (e) The HSD should ensure that they are properly resourced so that all revenues are properly recorded and collected on a timely basis.
- (f) Claims against the Health Insurance Fund should be made brought up to date as soon as possible and thereafter submitted in a timelier manner. The Committee does not know whether the \$5 or \$10 contributions per month are sufficient to fund the cost of medical services to indigent uninsurable persons. This ought to be carefully monitored by the Ministry.
- (g) Health Services Department should prepare a medium term financial plan to show clearly how increasing operating costs and capital expenditures will be financed. This will hopefully direct Government's attention to the important fact that revenues must be increased if the level and quality of medical care is to be maintained at the present high standards.

### **Arrears of Garbage Fees [Auditor General's report paragraphs 2.11 – 2.18]**

Solid waste collection is an essential public service and garbage fees make an important contribution to Government revenue. Approximately \$2.3 million was collected in 1998. Effective revenue collection has been an ongoing problem for at least a decade, resulting in an increase in arrears from \$0.1 million in 1988 to approximately \$1.6 million at the end of 1998. The accuracy and completeness of the customer database used to produce this information is also highly questionable and there is no doubt that a substantial amount of revenue has been lost over the years due to incomplete records. There have been major problems in collecting garbage fees which have never been fully resolved.

In response to a query about the recommendations from its 1995 Report relating to Garbage Fees, the Committee was informed that:

- (a) The legislation to introduce fines for non-payment of garbage fees did not proceed.
- (b) Automatic deduction of annual and accumulated arrears of garbage fees was never implemented primarily because the Department of Environmental Health does not have information on which of its customers are civil servants. There may also be legal impediments to this course of action.
- (c) The customer database has been cleaned up resulting in a substantial reduction in customer complaints. The Department is confident that the current billing system is accurate. However there are major problems regarding the reporting capabilities of the current EVCC computer package which results in inaccurate arrears reports being produced.
- (d) The solid waste accounting and routing computer package selected by the Department was rejected by Computer Services because it was not compatible with the Oracle system. However the current EVCC computer package is also not compatible and a link would have to be created.

The Department would like to have a system that was intended for solid waste information processing. This would mesh operations and accounting, so that all information including billing is automatically updated when a change is made.

The Committee was pleased to learn that the Department has reconciled its revenue figures with Treasury and that it is currently drafting recommendations to government for ways to improve the fee structure to make it more equitable and collectible. The Department has also, for the first time, referred its delinquent accounts to the Treasury Debt Collector.

The Committee makes the following **recommendations**:

- (a) The Department should purchase the necessary software, which links operations and accounting to improve efficiency and the reliability of accounting information and to ensure good control over this area.
- (b) The Department should seek professional advice as to the best means of tackling the problem of collection of garbage fee revenue.
- (c) Government should write-off garbage fees which, as prescribed in The Limitation Law (Law 12 of 1991), are in arrears for more than six years.

### **Elderly Care in the Cayman Islands [Auditor General's Report paragraphs 2.19 – 2.37]**

The provision of care for the elderly within the Cayman Islands has been placing increasing demands on government's annual budget. This is especially so since in recent times where there has been a growing emphasis on the provision of quality care for the elderly.

The Social Services Department manages three government residential care homes for the elderly in the Cayman Islands. In summary, the department offers full and partial care to approximately 100 clients, including services to approximately 40 clients within their own homes and day care services to approximately 20 clients in West Bay. These services required an annual budget of \$2.4 million in 1999. There has been an increasing trend for elderly care services especially as family life and the roles and responsibilities of family relations have changed. Cayman Brac has been impacted by the migration of the younger folks, leaving the elderly to care for themselves or by others. In other instances, families are busy with long working hours and are not able to provide adequate supervision and care to their elderly relatives. This recent trend has created the provision of a number of care programmes managed by the Social Services department.

The Social Services Department has placed significant emphasis on providing quality care for the elderly. This is reflected in the programmes' policies and procedures, the various services offered and level of personal care that is given to the clients. The department's aim is to provide quality care for the elderly within their current programmes namely the residential facilities, in-home and day care centre.

An analysis of the various programmes shows that the residential facilities are more cost effective than the in-home programme. Diseconomies of scale arise when clients are cared for in their own homes as compared to being in a residential facility with other clients. This is due to the overall cost of managing one or two residential homes compared to covering the cost of clients within their own homes.

The cost of having one residential facility is comparably less than two residential facilities. This was seen in cost per client in Grand Cayman, which has two homes and a capacity of 12 residents, as compared to the cost per client seen in Cayman Brac, which has one residential facility housing with a capacity of 14 residents. There are a number of factors other than cost that governs the direction of the entire programme namely, prevailing culture and the needs of the clients.

The present capacity of the government residential homes will not permit a significant increase in client accommodation. Presently the client capacity at government homes is 12 in Grand Cayman and 14 in Cayman Brac. Sixty-nine percent (69%) of the clients are being cared for in either the in-home programme or the Pines Retirement home. The Day Care service, which housed 22 clients at the Golden

Age home in 1998, suffers from inadequate facilities. During inclement weather the Golden Age home is very uncomfortable for the clients due to overcrowding.

The Elderly care programme needs a long-term strategy. This is necessary for the clear identification of future goals of the programme. These plans should provide key objectives, targets and methods of evaluating care provided and highlight likely capital expenditure, potential for savings and required investment in the programme and the staff.

Currently the government is the sole financier of the elderly care programme. There is very little financial help from families as most of them have neglected their financial responsibilities. This factor should be addressed alongside the other issues affecting a long-term strategy for elderly care. More involvement by family members, financial and social, is crucial to the survival of this programme.

The Committee commends the Social Services Department on their hard work and dedication in this area that is considered a high priority. Government should investigate ways of decreasing the overall costs per client, but should take into consideration the wishes of the clients. In those cases where family members can afford it, they should contribute to the cost of looking after their elderly.

The Committee makes the following specific **recommendations**:

- (a) Government should undertake a small study to determine the potential number of clients and their particular needs, which may have to be provided in future. This will assist in planning for the needs of these clients.
- (b) At present Government is the main provider of elderly care which it funds almost 100%. Other options of financing this programme should be considered, particularly private sector contributions and the assistance of family members.
- (c) Government should develop a long-term strategy for the clear identification of future goals for the elderly care programme. These plans should provide key objectives, targets and methods of evaluating care services and highlight likely capital expenditures, potential for savings and required investment in the programme and the staff.
- (d) The present capacity of the Golden Age Home in West Bay cannot facilitate clients for both the residential and good quality day care. An extension to the present facilities is urgently required and Government should deal with this as a matter of priority.

#### **Statutory Authorities – Contributions to Government [Auditor General's Report paragraphs 4.1 - 4.3]**

The Committee wishes to record again its concern over the prolonged delays in tabling in the Legislative Assembly the financial statements of certain Statutory Authorities. The Committee is particularly concerned about the absence of agreements between Government and three of the statutory authorities, namely the Civil Aviation, Port and Water Authorities regarding the level of the authorities' contribution to government for 1998.

There seems to be a common clause in each of the Authority's Laws, which specifies that, any excess revenue over a certain amount is to be paid into the general revenue of the Islands. The Port Authority and the Civil Aviation Authority specify that any amount over \$100,000 should be transferred, but the

Water Authority is not explicitly clear on this matter. The Committee's opinion is that this type of provision is obsolete and requires amendment.

The Committee enquired into the circumstances surrounding the budgeted revenue from three statutory authorities for 1998. The position for each authority is as follows.

### ***Port Authority***

The Committee was informed that some years ago, the Port Director and the Honourable Minister responsible for the Authority met with the Financial Secretary to work out a formula for the annual contribution the Port Authority would make to government. The agreement was that the Port would contribute 25% of net profit of the previous year. This formula has been in operation since 1996. However the agreement was never recorded in writing and does not seem to have been referred to Executive Council for ratification.

In 1997 the Authority paid \$1,500,250 to Government. This was 89% of its prior year profits before extraordinary item. The Authority's profit for 1997 was \$1,670,034 and 25% of this would be \$417,508. Government included a contribution of \$1,000,000 from the Authority in 1998. This level of contribution was never discussed officially with the Authority's Board. Based on the 25% of profit agreement and the Authority's profit record, this level of contribution seems wholly unreasonable and unrealistic. The amount actually paid over to Government for 1998 was \$321,011.

### ***Water Authority***

The Committee heard from the Director of the Water Authority that their policy was to pay to government what it could afford to pay without interfering with the Authority's ability to fulfil its statutory obligations. Initially the board did not approve any contribution to the government for 1998. The Committee further understands that in early 1999 discussions were held with the Financial Secretary and it was agreed that the Minister responsible for the Authority, the Financial Secretary and the Director would meet to agree a suitable contribution. For various reasons this meeting did not take place. However later in 1999 the board decided to make a contribution of \$200,000 for 1998, which is what it felt it could afford. The contribution budgeted for 1998 was \$1 million.

The Director has confirmed to the Committee that no contribution has been included in the Authority's budget for 2000 and that he does not expect to be able to make the contribution of \$500,000 included in the 2000 budget.

### ***Civil Aviation Authority (CAA)***

The Committee heard from the Director of CAA that, over the years, there have been many meetings between the Authority and Minister responsible at the time, with the Financial Secretary to formulate a method for this contribution. However to date there is no real method or formula, and the levels of contribution requested by the government still appear to be arbitrary. For the financial year 1998, government budgeted \$3 million as contribution but CAA was able to pay over only \$1.5 million. For 1999 and 2000 the contribution levels were set at \$1 million. The Authority was able to meet its 1999 contribution. The Committee further learned that the authority would be able to meet its year 2000 contribution but would have to borrow externally to finance a major runway rehabilitation project at Cayman Brac .

The Committee recognises that CAA's difficulties have been exacerbated by problems in collecting landing and parking fees. This has had a major impact on CAA's cash flow for the past three years and has impacted its ability to make the contribution levels required by government.

### ***Position Regarding 2000 Contributions***

This Committee learnt that in the past none of the three Directors have been contacted or consulted during the government's budget process about the level of contribution that government is expecting in each financial year. The Committee is surprised that contribution levels have been fixed in such a haphazard manner. The Committee learned that there have been some recent improvements in communication between government and the Authorities regarding the expected level of contributions. For the year 2000 budget Ministers of government, who normally chair these Boards, have informed the Boards as to what the desired contribution levels would be in advance of finalising budgets. This is an improvement. The Directors of the Port and Civil Aviation Authorities confirmed that their Boards would most probably be able to meet the contributions requested for 2000 (\$350,000 and \$1,000,000 respectively). However the Director of the Water Authority informed the Committee that he did not think the Authority would be able to meet the amount requested (\$500,000) as the Authority was in the process of negotiating a very large loan for development of the sewage treatment plant.

The Committee has therefore confirmed that the Directors and Boards of the respective Authorities have never been involved, or consulted, in Government's budget process, during which the contributions expected from the Authorities are agreed. Each Authority is chaired by the Minister responsible, and the Financial Secretary is also represented on each Board. The Committee can only conclude that the Authorities' own budget plans should be known to the Government. If the Government does not agree with these plans, or with the proposed dividend distribution, that fact ought to be communicated to the Authority's Board. The Committee is left with the unhappy conclusion that, in the past, the contributions requested from the Authorities each year have been inflated, presumably in order to assist balance Government's budget.

This unrealistic arrangement has continued for far too long and the Government must now place their relationship with the Authorities on a sensible and business – like footing. Contributions for both 1998 and 1999 have still not been finalised with the result that six sets of financial statements are still outstanding and must be concluded as matter of urgency.

The Committee recognises that this unstructured way on this matter cannot continue and **recommends:**

- (a) That government and the Authorities jointly establish a basis for the determination of contributions so that both parties know their obligations. The Committee suggests that contribution could be based on profit, with perhaps 25% to 30% being distributed to government. That would leave retained profits for debt servicing and future developments and would reduce eternal borrowing by the Authorities. Another option could be a royalty based on turnover, or a hybrid arrangement of profit and royalty. These types of financial arrangement are in place for each of three major private utility companies serving the Cayman Islands.
- (b) The Committee suggests that Government and the Authorities should consider establishing performance criteria for each of the "commercial" authorities. Such criteria could include profitability and long-run rate of return on capital employed. The Committee also considers that performance criteria should include a provision that would fix any future price increases below the published CPI. Government's dividend or contribution would be linked to profitability. The target rate of return on capital employed combined with a cap on price increases would act as a stimulus to economy and efficiency.

## **Pedro St James [Auditor General's Report Part III]**

### **Financial and Technical Audits of Key Contracts**

Certain aspects of the contractual arrangements for development of Pedro St James have been extensively discussed in the Legislative Assembly by Members. Discussions have mainly centred on the issues raised by the Auditor General regarding the multi-media contract, the direct labour agreement and the landscaping arrangements. Although Pedro St James was a unique and challenging project in many ways, the Committee concludes that many important lessons can be learned from the obvious problems which were noted.

The Committee's main conclusions and recommendations are as follows:

- (i) Financial regulations require contracts costing over \$100,000 to be tendered and approved by the Central Tenders Committee. This mechanism ensures that Government obtains goods and services at the most economical prices consistent with quality and efficiency so as to obtain the maximum value for public funds spent. Moreover, open and competitive procurement of goods and services demonstrates fair and equitable treatment to both potential suppliers and the wider community and establishes the "market" price for goods or services. The Auditor General has a statutory duty to satisfy himself that these rules and procedures have been complied with and that public moneys have been expended with due regard for obtaining value for money.
- (ii) The main consultant, CHRM, was initially selected via a competitive tender to conduct research and to formulate a feasibility study for the project. The cost of this initial contract, which was awarded in 1993, was \$73,020 plus out of pocket expenses. A further contract valued in excess of \$1 million was subsequently awarded to the company in late 1994 to provide design and project management consulting services for the development of the Pedro St James and the Botanical Park. Competitive bids were not sought for this work and CHRM was simply invited to submit a technical and financial proposal. This course of action was ratified by Executive Council. According to evidence provided to the Committee, it was considered best to have a "seamless operation". Whilst this may have been administratively convenient, it defeated the objective of competitive procurement.
- (iii) Much of the procurement of specialist services was left to the main consultant to arrange and the consulting contract made it clear that competitive tendering was to be followed. This did not happen in all cases and little in the way of documentation was available to the auditors.
- (iv) The procurement of the multi-media system does not seem to have been handled particularly well. Apparently two quotes were sought, but only the winning proposals was made available to both the Ministry and the Auditor General. With Government's approval a contract for CI\$430,800 was entered into between the main consultant and a sub contractor. The Government agreed that this would be treated as an addition to the main consulting contract. Subsequently in March 1999 during the negotiations to settle the consultant's outstanding claims for professional services rendered, the consultant apparently told Ministry representatives that the sub-contractor's price for the multi-media system had been expressed in Canadian dollars and not Cayman currency as was assumed by all concerned. The main consultant claimed this had been done to allow for a "consultant's fee" but subsequently declined to provide information requested by the Auditor General. The Committee can therefore only speculate what the real cost of the contract was and the potential for savings, had services been procured through a proper tender arrangement. This seems to be evidence of lack of transparency and a very obvious conflict of interest on the part of the consultant, who has used his position as an

adviser for personal financial gain. If the consultant deserved to be paid an additional consulting fee for the multi-media, this should have been disclosed to, and approved by, the client and paid against the consulting contract.

(v) In July 1996, the consultant was subsequently awarded a contract to carry out phase I landscaping at Pedro St James. This contract was for \$357,702 and was signed by a representative of the Ministry. Whilst it may have been administratively convenient and may have saved some time, the consultant should never have been engaged to carry out landscaping works. This was described as extremely ill-advised by the Auditor General's advisor. The consultant's expertise should have been used in design and procurement.

(vi) The landscaping contract imposes a clear obligation on the contractor to carry out hard landscaping works, including walls, paths and preparation and planting of lawns and gardens for the stated price. A most unusual situation seems to have developed whereby the contractor was subsequently permitted to enter into a series of separate agreements with sub-contractors and others to perform the landscaping works. In some cases the contracts were between the Ministry and a sub-contractor, in others the consultant acted as agent of the Ministry. In one case, involving payments of \$194,974, the consultant contracted directly with a sub-contractor. In addition there was also direct procurement for the supply of materials and equipment rental by the consultant. The invoices for these services were certified by the consultant / contractor and were passed to the Ministry for payment. This led to a situation where government was paying some sub-contractors direct and others through the consultant. It is therefore hardly surprising that the Ministry found it difficult to exercise any meaningful control over contract claims.

(vii) The final cost of the landscaping contracts cannot be determined with any degree of accuracy. The Committee has been provided with three sets of figures. These range from \$519,586 (advised by the consultant to the Auditor General) to \$550,000 (advised by the Permanent Secretary to the Committee) to \$607,585 (calculated by the Auditor General). It is not acceptable that the Committee is unable to get an accurate picture of costs and is an indicator of the wider problems faced by both the Ministry and the Audit Office in determining the final cost of the entire project.

(viii) To continue with the landscaping contract, the Committee has not obtained any valid explanation why the cost of the landscaping works increased from \$357,702 to the figures reported above. The Committee acknowledges that there were additional costs – for example, the irrigation system (CAN\$59,599 – approximately CI\$35,610), but the scope of the contract also seems to have been reduced at some stage. Additions, variations and deletions to the contract were not administered properly and a revised contract sum was never advised to, and approved by, the client so far as can be determined. Project elements reduced include the stone walls (335 linear feet less than original specification), and planting areas (reduced by 3955 sq ft). The Committee was also very surprised to note that plant material cost almost \$200,000 excluding trees. This seems excessive. Although no justification for the cost increase has been provided, the Committee concluded that the abnormal and very loose contractual arrangements, combined with the absence of effective internal controls over invoice certification, facilitated an environment of rampant and unjustified cost escalation.

(ix) It is also questionable whether the consultant should have been permitted to provide direct labour services and to add a price uplift to cover insurance and administration. The Committee is left to wonder whether there was a profit element in this agreement and, if so, how much it was. There also appear to have been a number of inconsistencies in the amounts billed which were never resolved by the Audit Office. Part of the information supporting the price uplift was not provided to the Auditor General and the scope of the audit work was therefore incomplete.

(x) Perhaps the least satisfactory aspect of this project is the lack of proper financial records to establish the total cost against each element of the restoration and development. The Committee is aware that, 18 months after the formal opening of the attraction, the final project cost has still not been agreed between the Ministry, the Tourism Attraction Board and the Audit Office. A huge amount of staff time has been allocated unravelling project expenditures, with the result that the financial statements for the Tourism Attractions Board have been seriously delayed. At this time, the Committee is not able to place any reliance on the total cost figure of \$8,170.511 provided by the Permanent Secretary, Ministry of Tourism at the Committee's meeting on 4 April 2000. According to subsequent evidence provide to the Committee, it now seems that the final cost of construction and fees is about \$516,000 higher than the figures reported at the Committee's April meeting. The increase in construction costs was partly offset by a reduction in interest and loan fees, as shown below:

|                                           | <i>TAB</i>        | <i>Audit</i>      |
|-------------------------------------------|-------------------|-------------------|
|                                           | <i>April 2000</i> | <i>June 2000</i>  |
|                                           | <i>\$000</i>      | <i>\$000</i>      |
| <i>Construction and professional fees</i> | <i>6,937</i>      | <i>7,454</i>      |
| <i>Land</i>                               | <i>853</i>        | <i>853</i>        |
| <i>Interest and commitment fees</i>       | <u><i>381</i></u> | <u><i>125</i></u> |
| <i>Total project Cost</i>                 | <i>8,171</i>      | <i>8,432</i>      |

(xi) It is also clear to the Committee that some costs for Pedro St James and the Botanical Park projects were invoiced together. This is in direct contravention of the requirements of the consulting contract and has greatly complicated the audit.

(xii) It is apparent to the Committee that there has been a significant cost increase from the initial estimate provided in 1994 by the consultant to the Ministry (CI\$5.110 million) to the cost estimates prepared in January 1996 by the Caribbean Development Bank (CI\$8.676 million) This is shown in the Table annexed to this report. However the above mentioned estimates were not prepared on a consistent manner. Further analysis indicates that the construction cost, excluding the original site purchase, increased from \$5.110 million (CHRM 1994) to \$6.770 million (CDB January 1996). Most of the increase is attributable to an additional \$1.120 million higher physical and price contingency elements included by CDB. Total contingencies included by CDB were \$1.412 million, approximately 26% of estimated construction, equipment and fees. This is considerably higher than would normally be the case. However it does appear that CDB's caution was well justified. It may also be that the consultant, CHRM, was not sufficiently experienced in local construction and perhaps underestimated costs as well as the overall complexity of the project. The final cost of construction is now reported to be \$7.454 million compared to the CDB's estimate of \$6.770 million.

(xiii) The Committee also notes that the independent technical advisor to the Auditor General has described the financial information provided by the consultant as .."incomplete, confusing and unprofessional." This is most unsatisfactory and the Committee concludes that responsibility for the abysmal project records must rest with the project consultant. Although the consultant / contractor told the Auditor General that the Ministry was responsible for maintaining project records, the Committee prefers to accept the evidence of the Ministry of Tourism. The Committee is satisfied that the consultant was responsible for maintaining financial records and was fully compensated for this task. It is most



unfortunate that the Ministry did not realise that proper project records were not being maintained until it was too late.

(xiv) In hindsight the Ministry should have engaged an experienced project manager. Initially this function was the responsibility of the consultant. However even that arrangement was not fully satisfactory and did not provide the level of internal check and control that would be expected in a project of this magnitude and complexity. For example, the consultant certified for payment his own invoices for consulting services. Later, when the consulting firm began to provide contracting services on its own account, the Ministry ought to have realised that they needed independent expertise to manage the increasingly complex and confusing contractual arrangements. The Ministry has admitted that they found it difficult to exercise meaningful control over contract claims. Essentially, Ministry personnel relied completely on the contractor / consultant's self certification of all invoices, an arrangement which the Committee was informed had been agreed with the Treasury. As a result, the Committee is forced to conclude that public funds were not adequately safeguarded and properly disbursed.

The Committee makes the following **recommendations**:

- (a) All Ministries and departments should comply with Financial and Stores Regulations which require tenders for procurement of goods and services costing over \$100,000. Any future departures from these rules should be formally reported to the legislature at each quarterly meeting of Finance Committee.
- (b) In future, Ministries and departments must ensure that there are adequate arrangements in place for proper and effective management of all large projects. Clear lines of responsibility between Ministers, civil servants, the project manager and the various consultants should be established before projects commence, including where responsibility for financial management lies.
- (c) Particular care must be taken to ensure that there are effective internal controls over certification of contractor's and consultant's invoices. Generally Public Works performs these functions on most major capital projects and there is no suggestion that their procedures are deficient.
- (d) To repeat the obvious, consultants who provide technical expertise in design or project management should never be allowed to become contractors. The Committee believes that this was the major factor which led to the unsatisfactory and inappropriate contracts concluded by or on behalf of the Ministry.
- (e) Standard forms of contract should be used for the engagement of all consultants.
- (f) The Committee does not wish to apportion blame to any particular member of staff in the Ministry of Tourism. This became an impossible project to manage and the Ministry's task was complicated by the consultant's dual role as contractor for certain elements of the project.
- (g) The Committee has included specific recommendations regarding capital development Estimates and financial reporting in the section of this Report entitled "Legislative Oversight of Capital Projects".
- (h) In future, management and control of large capital projects should not be the responsibility of Ministries or departments unless they have proven project management experience.

## **Project Viability**

Pedro St James was officially opened in December 1998 and 1999 was the first full year of operations. The Committee recalls the legislature was advised that the Pedro St James project would be self supporting from an early stage. The Committee was therefore concerned to note that the Board's 1999 budget showed a deficit of \$620,000 compared to an operating profit of \$310,000 forecast by the Caribbean Development Bank (CDB) in its project appraisal report. The Committee was subsequently informed that the actual 1999 deficit (unaudited) was approximately \$586,000. These figures exclude interest expense on the CDB loan and depreciation. There appear to be two main reasons why financial performance is below expectations. Firstly, forecasts of visitor arrivals appear overly optimistic. Second, there has been insufficient marketing and promotion of the attraction.

Regarding visitor numbers, the Committee notes the CDB's forecasts were prepared on the basis of 141,000 visitors in year one rising to 235,000 by year four. Another forecast prepared for the Board shows a build up to over 300,000 visitors per annum by year five. These forecasts may exceed the present carrying capacity of the site, which is limited by the capacity of the multi-media show. At present, this can accommodate about 50 visitors per hour. The Committee was informed that the presentation could be shortened to half an hour which would increase capacity. There is also only limited time available for cruise ship passengers to visit the attraction, taking into account cruise ship arrival and departure times.

The Committee was rather disappointed to note that only limited marketing and promotion of the attraction has been carried out to date. The Committee notes the Board agreed in 1997 that a marketing committee would be formed and a marketing company hired. This was never done, although the Ministry and the Department of Tourism carried out limited marketing and promotion of the attraction. It seems that management was concentrating on completion of the site during 1998. Management changes during 1999 seem to have exacerbated the situation further. The Committee has been assured that a revised business plan will be prepared in the current year and will include marketing and promotion of the attraction.

Evidence presented to the Committee indicates only a modest rise in visitor arrivals which have increased by 14% so far this year (2000). Numbers remain well below the earlier CDB forecasts. Witnesses told the Committee that Pedro St James will have to rely on sources of income other than admission fees. The Committee is concerned that substantial financial assistance will be required from government for 2001 and probably beyond.

Committee members recall being told that Pedro St James would assume responsibility for servicing the CDB loan. To date this has not been done.

### **The Committee recommends:**

- (i) The Board should ensure that a realistic medium term business plan is prepared as a matter of urgency. The plan should address cost effective marketing and promotion of the attraction, including appropriate personnel.
- (ii) Efforts should be made during year 2000 to vigorously promote the attraction with visitors to the Islands
- (iii) The CDB loan liability should be vested with the Board and arrangements made for debt service cost to be funded by the Board, if necessary by subsidy from the Ministry of Tourism.

### Financial Statements of the Tourism Attraction Board (paragraphs 3.28 – 3.320)

Since the Committee's meeting of 4 April, the Ministry, the Tourism Attraction Board and the Audit Office have carried out further work and now appear to be agreed on the final project cost, discussed in preceding paragraphs. The sole remaining issue is whether the Caribbean Development Bank loan of US\$5,790,000 should be vested with the Tourism Attraction Board. The Committee considers this is appropriate, especially as the CDB loan has been classified as self-financing in government's 1997 and 1998 annual accounts. It is standard practice for self-financing loans to be funded by the receiving agency. Witnesses told the Committee that the policy directives would be needed from the Portfolio of Finance and Economic Development before this course of action could be pursued. The Committee recommends the Government to address this issue as a matter of urgency so that the 1998 financial statements of the Tourism Attraction Board can be laid on the table of the Legislative Assembly before it is prorogued in September 2000.

### Special Audit of Pedro St James (Paragraphs 3.33 – 3.35)

The Committee noted the Auditor General's comments and has been assured that the accounting and internal control weaknesses are being addressed by the Board.

| <b>Pedro St James - Summary of Project Cost Estimates</b> |                 |              |               |              |              |
|-----------------------------------------------------------|-----------------|--------------|---------------|--------------|--------------|
|                                                           | CHRM<br>Sept 94 |              | CDB<br>Jan 96 |              | Variance     |
|                                                           | \$000           | \$000        | \$000         | \$000        | \$000        |
| PSJ Restoration                                           | 800             |              | 887           |              | 87           |
| Visitor Centre Construction                               | 1,540           |              | 1,097         |              | (443)        |
| External Works                                            | 580             |              | 1,012         |              | 432          |
| Sub Total                                                 |                 | 2,920        |               | 2,996        | 76           |
| Furniture, fittings and<br>Multimedia Sub Total           | 875             | 875          | 1,651         | 1,651        | 776          |
| Architecture & Engineering                                | 314             |              | 444           |              | 130          |
| Construction Management                                   | 709             |              | 267           |              | (442)        |
| Sub Total                                                 |                 | 1,023        |               | 711          | (312)        |
| Contingencies                                             |                 | 292          |               | 1,412        | 1,120        |
| <b>Total Construction Cost</b>                            |                 | <b>5,110</b> |               | <b>6,770</b> | <b>1,660</b> |
| Existing Land and Building                                |                 | N/S          |               | 775          | -            |
| <b>Total Estimated<br/>Development Cost</b>               |                 | <b>5,110</b> |               | <b>7,545</b> | <b>2,435</b> |
| <b>Other Estimated Costs</b>                              |                 |              |               |              |              |
| Operating Expenses (6 months)                             |                 | -            |               | 330          |              |
| Start up Expenses                                         |                 | -            |               | 420          |              |
| Commitment Fee                                            |                 | -            |               | 41           |              |
| Capitalised interest                                      |                 | -            |               | 340          |              |
| <b>Total Project Cost</b>                                 |                 | <b>5,110</b> |               | <b>8,676</b> | <b>3,566</b> |

## **9. ACKNOWLEDGEMENTS**

The Committee wishes to place on record its sincere appreciation to:

Mr. Nigel Esdaile, Auditor General, Messrs. Kenneth Jefferson and Terrence Outar, Audit Managers, and their staff for their thorough and honest assessment of the various operations of Government, its Departments and Statutory Authorities; Mr. Joel Walton, JP, Deputy Financial Secretary; Mrs. Sonia McLaughlin, Accountant General, and Mrs. Debra Welcome, Chief Accountant, for their assistance and advice to the Committee; the Witnesses who appeared before the Committee for their cooperation and valuable information offered; and to the Clerk and her staff for their assistance to the Committee.

In addition, as Chairman of the Committee, I wish to thank the Members for their valuable input over the past four years and the great efforts made in attending meetings of the Committee in order to report to this Honourable House in a timely fashion.

## **10. REPORT OF THE COMMITTEE**

The Committee agrees that this Report shall be the Report of the Standing Public Accounts Committee on the Report of the Auditor General on the Audited Accounts of the Cayman Islands Government for the year ended 31<sup>st</sup> December, 1998, and laid on the Table of this Honourable House in accordance with the provisions of Standing Order 77(5).

Under Standing Order 77(9), this Report of the Standing Public Accounts Committee shall be deemed to have been agreed to.

---

Mr. John D Jefferson, Jr, MLA, Chairman

(absent)

---

Mr. D Dalmain Ebanks, Cert. Hon., MLA

---

Miss Heather D Bodden, MLA

---

Mr. Linford A Pierson, JP, MLA

---

Mrs. Edna M Moyle, JP., MLA

**EDITED  
FRIDAY  
15 SEPTEMBER 2000  
10.53 AM**

*[Prayers read by the Honourable Temporary Acting First Official Member]*

**The Speaker:** Please be seated.

Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have received apologies from the Honourable Second Official Member and the Honourable Minister for Tourism, Commerce, Transport and Works who will arrive later. The Fourth Elected Member for West Bay is sick.

Moving on to item number 3 on today's Order Paper, Presentation of Papers and Reports: Report on the Royal Cayman Islands Police Service Annual Report 1999 to be laid on the Table by the Honourable Temporary Acting First Official Member.

**PRESENTATION OF  
PAPERS AND REPORTS**

**ROYAL CAYMAN ISLANDS POLICE SERVICE AN-  
NUAL REPORT 1999**

**Hon. Donovan Ebanks:** Thank you, Mr. Speaker. I beg to lay on the Table of this honourable House the Royal Cayman Islands Police Service Annual Report 1999.

**The Speaker:** So ordered.

Do you wish to speak to it? The Honourable Acting Temporary First Official Member.

**Hon. Donovan Ebanks:** Just very briefly to say that I think members will find the report extremely informative. I think it is fair to say that RCIP has made substantial strides in changing its working relationship with the public in recent years. Perhaps emanating from a commitment a few years ago to wish to be seen more as a police service rather than a police force. It has manifested itself in a number of developments, among them: the establishment of a community relations department, the introduction of programmes such as community beat programmes, foot and bicycle patrols and school liaison programmes et cetera.

I think it is in order to acknowledge that RCIP has made these efforts. I think it is perhaps reasonable to

also suggest that in turn we have seen in recent times considerable improvement in RCIP's ability to attract Caymanians during its recruitment initiatives. Certainly, the last recruitment class brought in a record number of Caymanians. We trust that this will continue.

I would like to take the opportunity to personally thank the Commissioner and his staff, who, in particular, made some really valiant efforts almost a year ago, in relation to Northward. I think it is really to his credit that at the time, while obviously running a prison was not what we brought him out here to do, he felt it appropriate to personally take on the responsibility rather than delegate it to one of his senior officers or even his deputy. Because certainly at that time the situation was extremely volatile and he took the view that should we lose it, he would much prefer to lose it than see one of his own people, much earlier in their careers, suffer that misfortune.

So, I thank him and all his officers who performed valiantly and I think in turn on his behalf he would wish for me to certainly convey to all members of this legislature his appreciation for the support which you have given RCIP over the recent years.

So with those few years I recommend the report. I don't expect members to have a lot of time to indulge in reading it now, but I would suggest that perhaps you keep it in a safe place and come next February or March when Throne Speech and Budget Debate comes around it might be a useful reference document at that time.

Thank you, sir.

**The Speaker:** Item number 2, Presentation of Report on the Cayman Islands National Youth Policy to be laid on the Table by the honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

**CAYMAN ISLANDS NATIONAL YOUTH POLICY**

**Hon. Julianna O'Connor-Connolly:** I beg to lay on the Table of this honourable House the Cayman Islands National Youth Policy.

**The Speaker:** So ordered. Do you wish to speak to it?

The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Yes. Thank you, Mr. Speaker.

It is with a great sense of pride and achievement that we are now able to provide honourable members in this House with a copy of the National Youth Policy. I am indeed very privileged to be able to thank the members of the National Youth Policy Task Force and, in particu-

lar, its chairman, my permanent secretary and its co-ordinator, Miss Tara Rivers, and indeed all of the people of the Cayman Islands who assisted with this development. I move on to thank the past minister for initiating this process back in Trinidad a number of years ago.

The taskforce began its work in earnest in September 1998 and the culmination of the stage of the process, which involves much hard work and dedication and is crucial to the development of this document. Throughout the process, the participatory model of policymaking as posed by the Commonwealth Youth Programme was utilised. Public meetings, various workshops, conferences, questionnaires and focus groups were all used to ensure that the participation of school children, business owners, church and community leaders, senior civil servants, parents, educators, employers and legislators were garnered.

This policy therefore represents the fears and concerns, the needs and aspirations, the achievements and visions of and for the young people of the entire Cayman Islands.

In addition, we would note for the record that during the last five years of the 20<sup>th</sup> century, the Cayman Islands like the other 53 countries of the Commonwealth took stock of its provisions for young people and the measures being taken to equip them to deal with the challenges of the new millennium. It was surprising to find that these provisions were somewhat inadequate and that the Cayman Islands and the vast majority of the Commonwealth for that matter did not have a clearly defined documented national youth policy.

It was therefore for that reason that a collective decision was made at the Commonwealth Youth Ministers' Meeting in Port-of-Spain in May 1995 when the past minister, the First Elected Member from West Bay, was at the helm of the ministry to make every effort to complete the process in all countries by the year 2000.

The National Youth Policy is a timely document. It offers us all an insight into the thoughts and behaviour of our youth who no doubt will be the future decision-makers of the Cayman Islands. The National Youth Policy (NYP) therefore celebrates the importance of our young people to the future of these islands. Even though it may be relatively silent on the enormous achievements of the well-adjusted, productive and decent young men and women who live in these islands it must not be forgotten that the vast majority make a smooth transition from the dependence of childhood to independent and interdependent adulthood.

It does, however, rightly lament the failure of an increasing number of young women and men who for one reason or another do not apparently realise their full potential here in the Cayman Islands. Since these marginalised and alienated young people are a barometer of the health of any society, particular attention has been paid to their views and needs.

Using a consultative method, this document chronicles the conditions, needs, aspirations, concerns and fears of the wide cross-section, as I said, and it takes on board their recommendations on the structures, facilities

and programmes necessary for youth empowerment in our jurisdiction. The document wrestles with the challenge of change and makes strong recommendations for ensuring that institutions are created or strengthened to perform the functions of nurturing, socialising, educating and developing our young children and young people.

It also provides a vision for young people of the Cayman Islands further broken down into goals and specific objectives. This document, that is, the NYP offers leadership based on fundamental principles. It provides the framework for action and shows how all those who have a stake in the wholesome development of young people in the Cayman Islands can work together to make a division in their lives.

At the dawn of the new millennium, those who will inherit this land have asked us to show them the way. It is therefore my humble view that this collaborative document will assist our youth tremendously. It is now the duty of each of us, the stakeholders, to support them all the way and to pray daily for their protection, health, guidance, success and their general well being.

I thank you, Mr. Speaker.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Thank you, Mr. Speaker. I am wondering whether I could ask a short question on this.

**The Speaker:** Yes, please go ahead.

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I am wondering if the minister could say what is the way forward now, as far as the Ministry and Executive Council are concerned. What are their plans?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Mr. Speaker, I thank the member for the opportunity to get out that additional information as I am sure he is as concerned about the youth as all honourable members.

Executive Council, suffice it to say, has approved the creation of the union of the sports office and the new youth facility where there will be one top Administrative Officer, two deputies—one for sports and one for youth. We are hoping to get that on the way in a very short course, once the administrative procedure within government is put in place.

Now that this is laid on the Table of the honourable House, the taskforce will once again regroup and assess the document with a view of moving towards the implementation stage with equation of the necessary, current and practical action plans so that the youth of this country can, in this new millennium, rise with an optimism that there is hope and indeed we are all listening to their concerns.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I am glad to hear that has been done. It was a long-term plan. I am glad that the minister has finally gotten support for it.

Can she say, since they have approved the amalgamation of the Youth and Sports department, what working space has been made available for that particular department to get underway?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Presently, there is sufficient space at the sports office because it will take some time to get the additional staff. We also have plans for an extension at the Truman Bodden Sports Complex so that they could be right there on site seeing that a lot of the activities would be encapsulated in that particular site.

**The Speaker:** Moving on the Financial Statement of the Community College of the Cayman Islands 31<sup>st</sup> December 1999 and 1998.

The Honourable Minister for Education, Aviation and Planning.

#### **FINANCIAL STATEMENT OF THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS 31 DECEMBER 1999 AND 1998**

**Hon. Truman M. Bodden:** I beg to lay on the Table of this honourable House financial statements of the Community College of the Cayman Islands.

**The Speaker:** So ordered.

Do you wish to speak to it? The Honourable Minister for Education, Aviation and Planning

**Hon. Truman M. Bodden:** As provided in section 11(6) of the Community College of the Cayman Islands Law 1987, I am pleased to lay on the Table (as I have just done) the audited financial statement and the annual report for 1998 and 1999.

Mr. Speaker, I have repeatedly stated that investment in the development of the human resources of the Cayman Islands, and especially our youth, is the best investment that can be undertaken by any government. Our government is very proud of its investment in the Community College and its accomplishments of this institution.

Financially the College continues to meet all its annual loan and interest payment to the government, to Canadian Imperial Bank of Commerce and the European Development Fund. Despite the very low tuition fees which in some cases is less than 5% of the economic cost of the programme, the college is able to contribute about 20% annually to its total expenditure.

In addition, sir, the college has contributed more than \$3 million to the Phase II development of the campus. The construction of the general studies building, the

library and the recently completed multi-purpose hall and hurricane shelter.

I congratulate and commend the board of directors for their effectiveness and efficiency in dealing with the resources of the college. The greatest strength of the Community College is its comprehensive curriculum. During the 1999/2000 academic year, the college offered the following:

- Vocational programmes in construction technology, electrical technology, hospitality studies, computing and accounting.
- Professional programmes in banking, legal secretaries' studies and computing.
- The A-plus and MCSC, the Microsoft Certified Systems Engineer and associate degrees in thirteen specialisations.

Mr. Speaker, as I have mentioned before and quite recently, the associate in Arts and Science, graduates are accepted by a wide variety of universities and colleges in the United States, Canada, Britain and the University of the West Indies.

The offerings of the college for adults in its continuing education offerings is equally extensive and includes a wide variety of academic, vocational, professional, leisure and contract courses. Contract courses are mounted by the college in responds to specific request from the public and private sectors.

I am extremely proud that 50% of the students at the Community College are over 21 years of age—very significant because it shows clearly that we have now for the first in a long time made a very good development in the College for adults in their continuing education. Education, sir, is life long and it is very important that the continuing education of our adults is clearly and properly developed.

Mr. Speaker, also very important, 80% of the students are Caymanians, another achievement that has had very good results for these islands.

I had previously said that the strength of the Community College is its comprehensive curriculum. I should have included its flexibility, collaboration and quick response to requests from the public and private sectors. All the programmes that were recently added to the curriculum, the banking certificate, the banking diploma, the A-Plus and MCSC in computing are because of the College's collaboration and responsiveness to requests from the private sector.

During the debate on the motion to revisit Education Council's guidelines for government scholarships, I took the opportunity to mention the healthy registration at the college for September 2000. I should like to point out that the numbers have since increased and it appears that during the present year registration will exceed almost 2000 individuals who enrolled at the college in the last academic year. So it will exceed the 2000 persons at the college.

That has to be taken in the light of the fact that 50% in most areas are adults with continuing education and 80% are Caymanians. So, there is no doubt that the

Community College is having a very good and healthy impact on the education of adults and young persons.

I would like to take this opportunity to thank the 66 private sector companies and 30 government departments for their scholarships and other forms of assistance to students attending the Community College.

Finally, I would like to thank the President, Mr. Sam Basdeo and the staff of the college, together with the Chairman, Mrs. Berna Murphy, and the Board of Governors for their dedication and commitment to the success of the College.

Thank you.

**The Speaker:** Moving on to item number 4 on today's Order Paper, Questions to Honourable Members/Ministers. Before going into this I would like to call to honourable members' attention that we have 20 questions on today's Order Paper, therefore I shall have to limit the number of supplementaries.

Question number 63 is standing in the name of the Fourth Elected Member for George Town.

#### **SUSPENSION OF STANDING ORDER 23(7) AND (8)**

**Hon. Truman M. Boddin:** Mr. Speaker, if I may just move that Question Time extends beyond 11.00 AM.

**The Speaker:** Certainly. I was coming to that. Please do. The question is that Standing Order 23(7) and (8) be suspended in order that Question Time can be taken after 11.00 AM. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. Question Time continues.

#### **AGREED: STANDING ORDER 23 (7) AND (8) SUSPENDED.**

**The Speaker:** The Fourth Elected Member for George Town.

### **QUESTIONS TO HONOURABLE MEMBERS/MINISTERS**

#### **QUESTION 63**

**NO 63: Dr. Frank McField** asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture if the Labour Department has received any complaints from employees of the Cayman Resort Hotels about working conditions, and if so, what is the nature of these complaints.

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** The Department of Labour receives complaints and other information on many establishments on a daily basis. We do not consider that it would be appropriate in this forum to name establishments or to cite specifics. With very limited resources, the Department of Labour must of necessity prioritise its work. I would reassure this honourable House, however, that where violations of the Labour Law can be proven, the Department of Labour with the co-operation of the Royal Cayman Islands Police and the Legal Department will take firm action as can be attested to by our continuing court cases.

#### **SUPPLEMENTARIES**

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I would really like to ask the minister if the Department of Labour has received any complaints from the employees at the Cayman Resort Hotels, and I do believe this is a question that can be answered.

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Mr. Speaker, due to the fact that there would be a possibility of sub judice arising I would again reiterate that we would not want to jeopardise either the rights of the employer or the employee at this particular stage. I would, however, undertake that if the honourable member wishes to speak to the department or myself, that with permission from that particular right that he is wishing to represent—because he has been quite helpful in representing the rights of the employees in particular—that we should be happy to do that in a more appropriate forum.

**The Speaker:** Supplementary, the Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the minister say if there is presently a case in court against the Cayman Resort hotels?

**The Speaker:** I think she has explained that position. She said that if sub judice arises; it would have to be in court.

The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture, if you wish to answer you may, if not.

**Hon. Julianna O'Connor-Connolly:** Thank you, Mr. Speaker, I will respond in an effort to be as co-operative as possible.

I said it is our humble view that the matter would be sub judice. If the member wishes for that point to be made and a ruling on that case then I would have to reserve my position. In the interest of both parties, as kindly and as bluntly as I can say it, I think it is in the best



interest at this particular stage to not make any public comment.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I know this is a country of silence and no one is supposed to talk about anything, really, and everything is a big secret, nevertheless the public has a right to know what the Department of Labour—which is a public institution—is doing with regard to what they are charged to do.

**The Speaker:** Please turn it into a question.

**Dr. Frank McField:** So, I would like to find out from the minister, if she saying that it is sub judice here, why can't this question be answered? What is the nature of the question that makes it sub judice?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** It is my respectful view that if I had conceded to the request of the honourable member and explained why it was, that that would in effect take it into the public ambit and the damage would already have been done. To put it down simpler, if I took the time to explain what an orange will do, there would be no reason to present the orange.

**The Speaker:** Moving on to Question number 64 standing in the name of the Fourth Elected Member for George Town. These are deferred questions from 8 September 2000.

#### QUESTION 64

*(Deferred from 8 September 2000)*

**NO. 64: Dr. Frank McField** asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture to say what government's position is on the establishment and existence of the National Alliance of Cayman Islands Employees (NACE).

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** NACE is duly constituted as an employee entity under the Trades Union Law and my ministry appreciates its efforts to improve employment conditions in this country. The Department of Labour, in particular, has been fully co-operative with NACE as it has with the various employer associations. We believe that workers, employers, and government, working in a cordial spirit of a tripartite co-operation can only lead to the betterment of everyone concerned.

#### SUPPLEMENTARIES

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would like to ask the minister, if this is the true position of government, why hasn't government done anything over the last twelve months to see that the Labour Law is amended in such a way to admit that labour unions, in fact, are legitimate lawful organisations in this country?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** As I understand it, and I stand to be corrected, there is now in existence a Trade Union Law (1998 Revised). It is a new uncharted area, and, as in all things, it will take time. But based on my instructions we have given full co-operation with the honourable member and the association. And, as the member would have seen in the answer supplied in writing, government has taken a position on this particular union.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would appreciate if the minister would clarify the supplementary. Posing the supplementary a different way: Has the ministry recognised that there exists a dichotomy between the Trade Union Law 1964 as it is revised in 1998 and the fact that the Labour Law does not recognise that labour unions are part of the labour relations' institutions?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** It is the ministry's position, and indeed that of the Labour Department, one step above the position just put from bilateral partnership or union. In fact, in my answer I sought to clarify and to state as a matter of fact that we are fully supportive of the tripartite relationship which involves not only the union position that has been ably put by my good friend, the Fourth Elected Member from George Town, but also the position of the employers and that of government.

Government policy, as alluded to in my written answer to the honourable member, does not see its role as becoming directly involved in the bargaining within the private sector: We believe that there is able and ample professionalism and the power to want to do this in a unified fashion. We view it no different from the Chamber of Commerce in that it is a registered, duly legal entity and we acknowledge it in that respect and appreciate its efforts in the one-third tripartite relationship.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the minister therefore give an undertaking to look into this dichotomy which exists between the existence of a law that makes it legal for trade unions to be formed and for persons to be members of trade unions, but the Labour Law, that she is responsible for, does not recognise the existence of trade unions or the practice of collective bargaining? Could the minister give an undertaking to begin looking into this, what I would really call, legal conflict?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** If the honourable member is asking for this to be entrenched within the Labour Law where there is an express acceptance of the union as a legal entity, I can give him that undertaking for the time that I am in the ministry that I will issue instructions for that to be done.

**The Speaker:** Are there any further supplementaries?  
The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** One question in regard to the last answer given by the minister when she said she will issue instructions, is she assuring the House that Executive Council is going to agree before the instructions are issued?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** The instructions take two parts. Firstly, the relevant minister prepares a paper to Executive Council because it would be a policy decision and from there it moves on. But having had the opportunity to be in the ministry, I am fully comfortable that the honourable ministers have no problem, although I cannot give an undertaking for that second part with this, at the end of the day this government is about making the situation for both employer and employee the best possible—this government meaning all honourable members.

**The Speaker:** Moving on to deferred Question number 65 standing in the name of the Fourth Elected Member for George Town.

### QUESTION 65

*(Deferred from 8 September 2000)*

**NO. 65: Dr. Frank McField** asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture to give an explanation as to why government workers are not protected by the Labour Law.

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Section 3, subsection (a), of the Labour Law (2000 Revision) exempts the Public Service from coverage by the Labour Law "**provided that the regulations and General Orders from time to time applying to the Public Service shall not prescribe or permit conditions of service which are less favourable to the employee than those required by this Law. . .**" So, to that extent public servants are protected by the Labour Law and the Department of Labour has acted to assist a number of former civil servants and currently serving public servants to resolve disputes with government.

### SUPPLEMENTARIES

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would like to ask the minister under the definition of conditions of service which are less favourable to the employee than those required by the Labour Law—are you speaking of written conditions or are you speaking of conditions that are practised informally?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** I am duly instructed by the Director of Labour that we are talking about both conditions.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would like to ask the minister what happens in the case where government is the employer and one of its agents has violated the conditions? What institution does the employee take his or her complaints to?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** As I understand it, there are two options: They can either go through the civil service procedure or they can come to the Labour Department who will on their behalf bring it to the attention of the Chief Secretary or his delegate.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would like to thank the minister for actually clarifying that point because that has been a point of contention. I will put it into a question. But it is important that we know whether or not the minister is saying that civil servants who feel that the conditions of

service which they are serving under, written or informal, are less favourable than those stipulated by the Labour Law that they can make a complaint to the Labour Department. And that the Labour Department is, in fact, charged with responsibility of reporting that complaint back to the civil service agent.

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Mr. Speaker, that is in fact the case, providing they fall within the proviso as set out in section 3 whereby the conditions have to be less favourable. If it is a position where they are as favourable or more favourable, then the Labour Department has no jurisdiction. So that is actually the standard or burden of proof.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** In the experience of the Labour Department, would that department consider the docking of pay of a civil servant for being sick and not showing up for work as a less favourable condition than those stipulated under the Labour Law?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

If you are asking for a government opinion, it is okay but she is not entitled to give her opinion. You may answer if you please.

**Hon. Julianna O'Connor-Connolly:** Mr. Speaker, because each case is determined on the specific circumstances as arising thereto, I would be entering into the arena of speculation and with your leave I would prefer not to.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** We are not really here because we are playing a game. I am just trying to get some information so we know where we have to go—okay?

**The Speaker:** I assure you I am very aware of the purpose here.

**Dr. Frank McField:** I just want to find out if civil servants when they feel that they are having less favourable conditions than guaranteed under the Labour Law have the rights under the government's interpretation of that law to complain to the Labour Department.

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** As set out in my substantive answer, and as is fully endorsed under sec-

tion 3(a) of the Labour Law (2000 Revision), that right is enshrined within the Labour Law provided, again, they meet the initial burden of proof or standard that it is less favourable.

**The Speaker:** Two final supplementaries—the First Elected Member for West Bay—unless there is a follow-up from you.

The Fourth Elected Member for George Town

**Dr. Frank McField:** Could the minister say whether or not her ministry or the Department of Labour is aware of the fact that the Labour Law does deprive the employees of several benefits they would be entitled to under common law?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** That position would not be an unreasonable or an uncommon position because as we all (I am sure) will fully appreciate the common law is an evolving entity based on judicial precedent and no one piece of legislation can anticipate as it evolves.

**The Speaker:** Final supplementary, the First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the honourable minister say whether or not the General Orders prohibit civil servants from making complaints to the Labour Office?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** I am not in a position to say that, in that I, myself, as minister, do not become involved in the administrative responsibility of government. But I should be happy if the member wishes to pass that request on to the honourable Chief Secretary or the Temporary Acting First Official Member to get an answer for him.

**The Speaker:** Honourable Temporary Acting First Official Member would you care to answer?

**Hon. Donovan Ebanks:** I don't think General Orders by any means restricts civil servants from making representation to any statutory office or entity. They do set out procedures that the representation should follow and the general terms of procedure requires that it be routed through the head of the respective agency or department.

**Mr. W. McKeeva Bush:** Mr. Speaker, I know you earlier said that that was the last one, but it is very important—

**The Speaker:** I will allow you a follow-up.  
The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Thank you kindly, sir. What the Deputy Chief Secretary has said in my view is very important. Has there ever been anyone to his knowledge who was stopped from going that route?

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, no, certainly not to my knowledge. I have never known of any situation where anyone has been intercepted or prevented from making the approach. I would venture to say that I would expect that any such approach would normally trigger some double-checking on the part of the relevant head of department with perhaps Personnel to substantiate whether, in fact, there is such a deficiency (I would call it) on the part of General Orders.

**The Speaker:** Moving on to Question number 68 standing in the name of the First Elected Member for George Town.

#### QUESTION 68

**NO. 68: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation if it is a fact that there are registered nurses at Faith Hospital who have to work double 8-hour shifts.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, although there are no mandatory requirement for registered nurses to work double shifts, it is sometimes necessary for this to happen. In such situations, temporary and relief personnel who are not scheduled are asked first to provide the cover. If they are not available, officers who have indicated their willingness to work overtime are scheduled.

#### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** First of all, could the minister state if it is recognised by the relevant authorities that whenever this might occur that simply because of the nature of the work performed, and having an individual working 16 hours straight dealing with the health and care of a patient, is there any risk recognised in having to allow for this to happen?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Yes, there would be some risk but it is recognised that the paramount importance is for the safety and health care of the patient and it would be monitored.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the minister state whether the reason for this happening is because of a shortage of staff?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Normally, this situation happens when someone takes sick or otherwise. But in the next question that the honourable member has I will express that we have recruited three more nurses for Faith Hospital.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the minister state if this is a situation that has been occurring only in the very recent past or if it is something that has been occurring over extended periods of time.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation

**Hon. Anthony S. Eden:** I am made to understand that this has just been in recent times. But it is something that happens in most hospitals where our people have to provide for emergency cover, if someone takes sick and so on, but we are addressing this as I will share in the next question.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Just before I ask the next supplementary, I want the honourable minister to be aware of the fact that if I leave all of these supplementaries for the next question I might not get to ask them so while I have the opportunity I am going to do so.

Could the minister state if the staff complement at the Faith Hospital is fully satisfied? I understand what he was answering coming to the next question but I want to separate the two issues and deal with it as of now and the past, not as of now and the future, that will come in the next question.

Can the minister state if the full staff complement at the Faith Hospital has been satisfied, and if at this point in time it is not the case? Have there been any requests for additional staff because of a need that is identified? And, how long ago was this done, if it was done?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** As of earlier this year, the staff complement was a total of nineteen. Because of the increase in volume of patients and services now provided, the recognition has been made and a request has been submitted for three new additional staff.

**The Speaker:** Are there any further supplementaries?

No further supplementaries, we are moving on to Question number 69 standing in the name of the First Elected Member for George Town.

#### QUESTION 69

**NO. 69: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation if it is a fact that there are nurses working full time at Faith Hospital for over two years whose employment is still considered temporary, and are paid bi-weekly on an hourly basis.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** The answer is, yes, there are two registered nurses and one practical nurse who fall into this category. These nurses are hired on temporary relief terms by the Health Service Department to fill in for sickness, vacation leave, and maternity leave or if there is high bed occupancy. Faith Hospital, over the last two years, has experienced long periods of staff illness necessitating the use of relief staff to cover the substantive posts.

The patient load at Faith Hospital has increased over the past year. In light of this fact, approval has been given for three new posts; two for Registered Nurses and one for a Practical Nurse.

#### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town, supplementary.

**Mr. D. Kurt Tibbetts:** Can the minister state if over this extended period of time when the two registered nurses and the one practical nurse were employed as temporaries if, in fact, they worked full-time shifts during this period of time?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Yes, this is part of their contract where at times they would work full-time. Other times, their contract would call where they would be acting as relief. If it got to the stage where there were too many hours going in then we would bring in locum or temporary staff to help in those instances.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Since it is an admitted fact that these people have worked in excess of two years under the umbrella of being employed temporarily, can the minister state how the ministry views the fact of this extended period of employment and there not being any provisions at this point in time for either health insurance or pensions?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** I am informed that these people would be entitled as of January this year to pension and also prior to this, to health insurance cover.

The Ministry's feeling about this, is whenever there is a problem—and I have indicated that once we found out that we needed help, three posts have been put in place and we are as usual trying to deal with this and make sure that the proper staff coverage is there when needed.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I quite appreciate the minister's position and the ministry's position and perhaps the Health Services Department's position given the circumstance. But I seek this opportunity as I may have no other one in the very near future to make sure that this is aired so that there is a clear understanding as to the direction that needs to go.

So, my next question is, understanding what the minister said about them being eligible for pensions as of 1<sup>st</sup> January. Is this going to be a retroactive situation? Because if they were hired as temporary staff how could pensions be involved?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, I am informed that whatever the benefits as set out in General Orders prior to this time for temporary relief staff, which they can earn leave or granted sick leave or paid for any injuries they received on the job. They are also provided with health insurance cover. They receive whatever they were entitled to under General Orders.

I am made to understand that the pensions took effect on 1<sup>st</sup> January this year.

**The Speaker:** Group employment?

**Hon. Anthony S. Eden:** Everybody.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Final supplementary, sir. Understanding that, I was not aware of that and I appreciate that fact. Obviously, if this was effective 1<sup>st</sup> January, I am not disputing it, but someone did not know it. So perhaps through the chain of command everybody will be made aware of that. But can the minister state whether these three new posts that have been created will then be filled by these existing temporary staff members?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Yes, Mr. Speaker, that is in the affirmative.

**The Speaker:** Moving on to question number 70 standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 70

**NO. 70: Mr. Roy Bodden** asked the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs what is the government's policy regarding the reimbursement of expenses incurred on books and tuition costs to civil servants studying at the Community College of the Cayman Islands.

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** The policy is laid down in General Orders. It provides that when any Caymanian officer takes courses which lead to general certificates of education or other certificates appropriate to the Public Service with the approval of his Head of Department and he is successful at the examination, the officer may on presentation to government of the receipt for the fees for the course and the examination, receive reimbursement from government up to the full amount of the receipts.

In respect of book allowances, General Orders provides this for long-term overseas courses and the principles are applied to local courses. The facility is that book allowances and other expenses directly related to the course will be paid by government. The officer must submit itemised expense accounts. The government retains the right to disregard items not considered essential for the course.

#### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable member say what is the procedure one would take in recouping these expenses?

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** The procedure one would take would be to present the expense accounts to the Head of Department along with proof of success at the relevant examination.

**The Speaker:** No further supplementaries? We will move on to question number 71 standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 71

**NO. 71: Mr. Roy Bodden** asked the Honourable Temporary Acting First Official Member to provide an update on the trade and business licence applications of the two oil companies Local Companies Control Licences.

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, the Trade and Business Licence applications for both oil companies have been dealt with by the Trade and Business Licensing Board in recent times.

In relation to the expansion of the question by the honourable member I can say that the applications from the two Local Companies Control Licences have also been dealt with by the Trade and Business Licences Board. Those, however, have subsequently been the subject of appeals to Executive Council.

#### SUPPLEMENTARIES

**The Speaker:** Supplementary, the Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Emanating out of Private Member's Motion number 15/99 there was some resolutions brought by this honourable House with respect to the oil companies. I wonder if the honourable member is in a position to say whether the government has been able to do anything to address the request in the resolution or whether this is an on-going matter for the Executive Council to decide.

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** I am aware of the private member's motion to which the honourable member has referred. It certainly is not a matter that has been forgotten. In fact, there has been some enquires by the Portfolio of Internal and External Affairs in relation to it. The matter however was impacted by a case that came before the Grand Court and subsequently is appealed to the Court of Appeal in relation to which a judgment has only recently been handed down.

I expect that the matter will be concluded. Unfortunately, it is unlikely that any report can be made to this legislature in the term that it has left to run but I expect that the portfolio will certainly report early next year on the matter.

**The Speaker:** No further supplementaries? Question number 72 standing in the name of the Second Elected Member for Bodden Town.

#### QUESTION 72

**NO. 72: Miss Heather D. Bodden** asked the Honourable Minister responsible for Agriculture, Environment, Communications and Natural Resources to provide an update on the acquisition of additional property for the extension of the Bodden Town Cemetery.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** Additional cemetery capacity is planned for the Bodden Town Cemetery in the year 2001 Estimates, pending approval of land acquisition. Currently, there is existing capacity at the cemetery and an additional 16 vaults will be constructed this year.

#### SUPPLEMENTARIES

**The Speaker:** Supplementaries, the Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** Could the honourable minister say what is the total maximum capacity currently available at the Bodden Town Cemetery?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** As of March 1999, the estimated remaining public capacity of the Bodden Town cemetery was 83 vaults, with an estimated average deaths per year of 23 for Bodden Town. The remaining life span was calculated at 3.5 years.

The department therefore plans to search for and acquire a new cemetery site in Bodden Town in the year 2001. At the end of the second quarter, May 2000, 24 vaults of maximum of 83-vault capacity had been constructed leaving a balance of 59-vault capacity. Currently, seven adult vaults and 3 infant vaults are constructed and available for purchase.

The year 2000 capital construction plans for 16 vaults to be constructed in the cemetery. These will be constructed by a private contractor under the supervision of the Public Works Department.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable minister say whether or not his ministry has on file any communication from persons in the constituency of Bodden Town indicating that they would have been willing to discuss with the government some property which in their estimation may have been suitable for a new cemetery site?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** We have received from various parts of the island such input from individuals with regard to their concern of cemeteries. I am certain the member is correct, there probably was included one from Bodden Town.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** In the case of Bodden Town, is the minister in the position to tell the House what is the disposition of his ministry regarding investigating this situation with a view to procuring additional property seeing that the current cemetery has a life span of only 3½ years that is given that the death rate is normal?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** This is a serious concern for all of the island and we have put a group together which consists of someone from planning department, the ministry and the department that is responsible for cemeteries to look at this overall and come up with areas in each district that will be suitable for additional cemetery space.

Certain areas have been identified and this is why I referred to it the way I did in the answer that we are hoping some action will be taken in the budget this year for year 2001.

**The Speaker:** The Third Elected Member for Bodden Town, a supplementary.

**Mr. Roy Bodden:** May I ask the honourable minister to consider broadening the groups. The reason why I am asking this is that there are many persons in Bodden Town that I know, at least, who would have had experience over the years in building vaults and would have an idea of where the most accessible property would be. There are citizens in the community, I am sure, who would make themselves available to advice. I am certain, without calling a name, there is one present in these precincts right now whose expertise I am sure the government would be able to use.

So, would the minister consider broadening his panel when it comes to the various districts to include some of these persons because this is an important matter and it needs to be addressed the sooner, rather than the later.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** I agree with what the member is saying and that is exactly what the group will be doing. We will have to lean on the expertise in the various areas to assist us with securing the property which we feel will be the best property for cemeteries.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, in connection with the minister's group looking at property, can he say in connection with the resolution passed by this House, may be last year, to look at properties in West Bay what has been done about that?

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** I think I am correct in saying that the West Bay area was one of the few districts that we did find some expansion space. I think it was by Boat-swain Bay Cemetery.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I would not doubt that there could be some space but I think they might be in problem with that also. I don't think that it is government property, they might have encroached. Maybe you can still tell me what you are doing—if there is any intention on purchasing those properties that the House agreed on.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** As I pointed out, there is a need for expansion of cemeteries throughout the islands, and this one will be no different. We will definitely have to look at purchasing the properties adjacent to this cemetery, like we will have to look in all other districts because it is a known fact that the quality of land we have been using has been exhausted throughout the island. We are either going to have to purchase adjacent lands or look at other means of other properties to be used.

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather D. Bodden:** Can the honourable minister say if a shed for housing cemeteries' supplies have been considered? I know this was put forward in a previous meeting by my colleague, the Third Elected Member for Bodden Town, with a question he had brought earlier. I would appreciate if he can give some undertaking for the shed, not only for the district of Bodden Town, but perhaps, other districts. I know this is something that the people who work on these graves are in dire need of.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** The member is correct. I think this is necessary throughout because we see from time to time the problems that exist at burials. We will be looking at it throughout especially when we find new property for new cemeteries.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I thank the minister for his undertaking but I support my colleague in reiterating that I had brought the request before the minister gave his undertaking. I think in the case of the cemeteries in Bodden Town and Savannah it is still necessary, and I am told North Side, to put the sheds. I would ask of the minister to please consider it because even when the cemeteries are filled to capacity there is still the necessity to maintain them so that some tools and equipment will still have to be kept on the premises so the sheds will come in handy even at the old sites.

**The Speaker:** The Honourable Minister for Agriculture, Communications, Environment and Natural Resources.

**Hon. John B. McLean:** I will give that undertaking.

**The Speaker:** Are there any further supplementaries?

No further supplementaries. Moving on to question number 73 standing in the name of the Second Elected Member for Bodden Town.

### QUESTION 73

**NO. 73: Miss Heather D. Bodden** asked the Honourable Minister responsible for Education, Aviation and Planning to provide an update on work carried out over the summer holidays to the Bodden Town and Savannah Primary Schools.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The following is an update of minor works carried out over the summer holidays at the Bodden Town and Savannah Primary schools:

#### Bodden Town Primary:

- Windows were replaced in rooms 10, 11, 13 and the hall.
- The walkway running from the staff room to the students' restrooms was roofed.
- Floors in rooms 10 and 11 were re-tiled
- Various maintenance works (repairs to cupboards etc) were carried out as needed
- The interior and exterior of all rooms were repainted.

#### Savannah Primary



- Windows were replaced in rooms 3 to 9, the Principal's office and staff workroom area
- Floors in rooms 3 to 9 and the staff-room were re-tiled
- Installed partition to convert rooms 7 and 8 to a classroom and a Special Education area to make provisions for the support services
- Various maintenance works (repairs to cupboards, upgrade of drainage, etc) were carried out as needed.

The following works are scheduled to be completed within the next six weeks:

- The installation of acoustical material in the halls at Bodden Town and Savannah Primary schools
- The installation of a roll-up door (which is on order) in canteen window at Bodden Town Primary
- Construction of a storage building at Savannah Primary
- Installation of a bat house at Savannah Primary school.

The re-painting of Savannah Primary was deferred to next year as the scope of the works being undertaken at that time affected a timely start to that project.

### SUPPLEMENTARIES

**The Speaker:** The Second Elected Member for Bodden Town, a supplementary.

**Miss Heather D. Bodden:** I would like to thank the honourable minister for providing this list and I would also like to thank the Public Works Department for spending so many hours over the weekends during the summer holidays in order to get the schools to where they are at to-date.

My question is to the honourable minister. Would he say where we are at to date with the plans for the additional classrooms at the Bodden Town Primary School?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I would first like to thank the Second Elected Member from Bodden Town for all of her effort and time, and her concern for these schools.

At present, the master plan for the school is being prepared. Once that is done then the classrooms will be within that and we would hopefully move quickly on those.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the minister say what is the total cost for those classrooms?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I cannot give an answer to that as yet as we don't have the plans and the costing. But I did visit the Savannah Primary School as well as Bodden Town Primary School a few days ago and the schools are in very good conditions—

**Mr. W. McKeeva Bush:** Mr. Speaker, I am talking about the new classrooms at the Savannah Primary.

**The Speaker:** I think that is somewhat outside the ambit of this substantive question. If the minister has the information he may give.

The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I don't have that costing here. I think, but don't hold me to it, it was about \$800,000 for the four classrooms maybe \$850,000.

**Mr. W. McKeeva Bush:** More than that.

**Hon. Truman M. Bodden:** Well, if the member knows more than me . . . maybe it was a bit more, sir. I just don't know.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I see that works that are scheduled to be completed within the next six weeks for the Savannah Primary School is the installation of a bat house.

I wonder if the honourable minister could say if the blinds that are needed for the windows at the Savannah Primary School have now been installed or will they be installed shortly?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Well, when I visited there three days ago I had a look at these windows and what we were told is that Public Works had been in, they had measured them, they would get them shortly. I impressed on Mrs. Gardener who was there with us to please ensure that things were expedited because I could see, you know, where this needed to be done quickly.

**The Speaker:** Are there any further supplementaries?  
The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, just a final supplementary following up on what the Elected Member for North Side asked. Is it safe then to assume, based on what the minister has said, that the installation of these blinds can be added to this list of works scheduled to be completed within the next six weeks?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Yes, sir.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I would like to ask the honourable minister because I am aware that there was a problem with the air conditioning water leaking in one particular area in one of the classrooms at the Savannah School. If this has been rectified—the air conditioner water leaking into the fan?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** When I visited a few days back it was not leaking and I was told that it had been rectified, but that occasionally still there had been some dripping of water from the duct, I think that was what I was told. Once again, I asked the Education Department to please ensure that a total solution to that watery problem was found.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can I ask through you, sir, that the honourable minister follow up on this because this water leaking in an electrical installation poses a hazard. So, can the minister give an undertaking to the House that he will diligently pursue this matter to see that the final solution is satisfactory?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, where the water was dripping from was about 9 feet up in the air and was really out of the reach of children. Obviously their slipping in the water would have been a problem but by all means—

*[Members' interjections]*

**Hon. Truman M. Bodden:** Yes, but the electricity was in the ceiling. Anyhow, I don't want to get into that. What I am saying is, I have asked Public Works to give its immediate attention and to get it solved. I would assume by now with the efficiency of Public Works they may have solved it. I will check on it and let the member know whether there is a watery problem or not.

**The Speaker:** Are there any further supplementaries? No further supplementaries. Moving on to question number 74 standing in the name of the Third Elected Member for George Town.

#### QUESTION 74

**NO. 74: Mr. Linford A. Pierson** asked the Honourable Minister responsible for Education, Aviation and Planning to state when the National (Education) Curriculum will be completed and published.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The National Curriculum is in its draft stage. The following curriculum drafts have been completed and are presently used by teachers. These are working documents which will eventually become bound in one volume and tabled in the Legislative Assembly.

- Key stages 1-3 - mathematics, science and language arts
- Key stages 1 and 2 – social studies
- Key stage 4 – mathematics and science completed, but still to be presented to the National Curriculum Advisory Committee.

The core curriculum of mathematics, science and language arts will be completed for all key stages by December 2000.

All other subjects will be completed [thereafter].

#### SUPPLEMENTARIES

**The Speaker:** Supplementaries, the Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I wonder if the honourable minister is in a position to say whether any provision is being made in the national curriculum to assist the non academically inclined students, that is, the technically inclined students coming through the system.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The decision was taken by the committee to do the core subjects first, which by nature are academic but the honourable member's question is a very good one. Yes, the technical and vocational subjects will be dealt with in this.

I can also mention that drafts are being developed for physical education, drama, arts, speech and the literary aspect of the arts, and they will be completed by next year, I have been told. History and geography will commence early in 2001.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable minister say whether there have been any attempts to check the validity and the reliability of the standards which the curriculum is going to require the students to attain?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Next month a Test Development Officer will be here and it will be his duty to ensure the standards. However, I should say that in one of the best examples of transparency, which is the independent Inspectorate, all schools which includes looking at the subject areas of the schools are subject to the audit. The standards are published to the public so that all can see but it is a good question. Yes, the testing has to go on and it is important that the respective stages of those that have been completed are up to the necessary standards through independent valuation.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** The honourable minister has latched on to that word, transparency, but perhaps he could really show up the transparency by tabling that Millet Report.

Mr. Speaker, I would like to ask the minister with regards the curriculum, when he mentions in his final sentence of the substantive answer, where he says, “**All other subjects will be completed thereafter**” is it possible for the minister to give us a brief outline of which subjects he refers to when he says all other subjects?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Those are history, geography, information technology, religious education and foreign language.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** So, following up what the Third Elected Member for George Town asked regarding the technical areas and the minister was keen to be positive about that. How is this going to be incorporated then? Because obviously these subjects he mentions here are not in line with any technical areas. What has to be accomplished within the realm of the curriculum to achieve this?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The technical curriculum at the high school, the revision of that will begin next year. There is IT in this as the honourable member, I am sure, heard. I think what will be looked at . . . and remember we have a National Curriculum Advisory Committee—highly specialised people on this—who will be looking and ensuring that that technical curriculum also moves down the education system as far as it should go.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Also, in the answer where the honourable minister states that the National Curriculum is in its draft stage and then he outlines key stages 1–3 et cetera. For purposes of clarity, could he explain how these stages relate to the age groups because I am assuming that we are speaking about primary and secondary levels? So, if he could use either one of them as an example so that we can understand what stage equates to what age group.

**Hon. Truman M. Bodden:** Mr. Speaker, Key stage 1 relates to school years 1 -3, which is 4 years and 9 months to 7 years and 9 months of the pupil's age.

Key stage 2, years 4 - 6 of the school year and pupils age 7 years 9 months to 11 years 9 months.

Key stage 3, years 7 - 9, the ages are 11 years 9 months to 14 years 9 months.

Key stage 4, years 10 - 12, which is 14 years 9 months to 17 years 9 months.

**The Speaker:** Are there any further supplementaries?

No further supplementaries. Moving on to question number 75 standing in the name of the First Elected Member for George Town.

#### QUESTION 75

**NO. 75: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for Education, Aviation and Planning if Cayman Airways Limited has a business plan.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** *(See Appendix I attached).*

#### SUPPLEMENTARIES

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** The Minister has made mention of a strategy priority being to recruit a Human Resource Manager to address the various human resource issues including performance, training, compensation and benefits. Could the minister say what is the position of the airline with regards to keeping employees on the job so that they can reach a point to receive benefits?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** If the member could be a bit more specific it may help me, sir, in replying.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Has it been brought to the attention of the honourable minister that perhaps the policy of the human resource department in the airline is to get rid of Caymanian staff in order to avoid having to pay benefits later on?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** That is not correct. It is neither a policy nor a practice of Cayman Airways Limited.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the minister say if he is aware of any changes with regards to the benefits that employees would be entitled to after serving say, a minimum of 15 or 20 years with Cayman Airways? If there has been any change over the years with regard to those benefits?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, there have been no changes in this area. I would like to point out, as I said before, that 85% of our staff are Caymanian and of the other 15% many of them are either married or have long-term commitments here, family connections or whatever.

There are very few companies, I think, that have achieved such a high Caymanianisation as Cayman Airways has. We value all of our staff, but especially our Caymanian staff, sir.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the minister say whether or not it has been brought to his attention that there is presently a number of Caymanian employees at Cayman Airways who are not just dissatisfied with their positions but dissatisfied with regard to the benefits which they are being offered to leave their jobs?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Cayman Airways is always careful to comply with the law in relation to staff benefits. We encourage especially the long-term staff to remain at Cayman Airways. Obviously, we have a lot of staff and differences of opinion do arise at times between human resources and staff, but I think, it is quite obvious that with 85% of the staff Caymanian and a lot of the 15% connected family-wise to Caymanians that Cayman Airways has done a very good job of holding a Caymanian staff.

Mr. Speaker, the airline business is a hard business and there are no two ways about it. It is hard. It's predatory. It's highly competitive and performance in Cayman Airways is something that has to be stressed for it to survive the way it has, sir.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** If the minister could say whether or not part of the human resource strategy of Cayman Airways is to terminate the contract of employees who have a significant amount of years with the airline and then to suggest that they be re-hired in order that those employees cannot claim certain benefits as being long serving employees.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Perhaps the honourable member could be somewhat more specific in what he is referring to here.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the minister say if just recently, within the last few days, a flight attendant with Cayman Airways—who had been with the airline for over fourteen years—had her contract terminated simply because of medical reasons (she was no longer able to serve as a flight attendant), in order to solve the problem of having to give her the benefits she was entitled to because of seniority and pay? Her contract was terminated with the view that perhaps she could be hired in another capacity but not get the benefit of those years she had served with the airline. And, the doctors have given evidence that the medical condition has been a direct result of her flying.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** This is now dealing with a specific staff. If the member wishes this to be aired here rather than perhaps this information being given to him privately then I guess I can do so even though that is not a good thing to do. I will now be making statements publicly in relation to staff and I would rather have her consent before I do it. It is something that might not be very helpful in some areas.

**The Speaker:** I would say this is an internal matter within Cayman Airways, and I do not feel it should be aired on the floor so I will not allow that.

**Hon. Truman M. Bodden:** I will give a full disclosure to the member because I have it here, but I think your deci-

sion is right. I don't think it is in the interest of Cayman Airways or the staff.

**The Speaker:** Answer to the member in writing.  
The Elected Member for North Side.

**Mrs. Edna Moyle:** On page 3 of the honourable minister's reply to the question he speaks about the re-pitched seats in two aircraft to allow more legroom for passengers. "**The third aircraft will have new coach seats installed by the end of this year. New seats will also be installed on all three aircraft during their next heavy check . . .**" I don't understand. The third aircraft is going to have them installed by the end of the year but then when the three aircraft have their next heavy check, they are all going to get new seats again.

What I would like the honourable minister to do, once the necessary documentation and engineering has been completed and approved, is to just elaborate a little bit for us on what this documentation and engineering is supposed to be.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, before seats can be moved—and this did strike me as really a lot of extreme caution and safety, if I may put it this way—what I understand has to happen is that plans have to be drawn on the positioning of the seats. I thought it was simple too because I put the same question and I will just tell you the answer I got.

They also have to have plans on the electrical overhead and the vents, which have to move with it. Those plans have to be approved by external engineers unless there is an approved configuration of that sort which there would normally be that has been approved. I think I am right in saying that Boeing (the manufacturer) has to approve it and the positioning then has to be calculated into—they have to re-weigh (rebalance, I think) the plane because the movement of the seats and the movement of the people obviously can affect the balance or stability of the plane.

All of this has to be gone through and signed off just to move the seats. That may seem an extreme, but as you know, every rivet in a jet has a number and has to be accounted for. The safety side is extreme towards ensuring absolute safety in the jets. It is these plans and the approvals that they need to get.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** If we go back through the *Hansards*, I asked a similar supplementary question here some months ago, and the minister said that the plans were almost completed.

My next question to the honourable minister is: It is common parlance that we have five mini-warehouses of seats for Cayman Airways' aircraft. I wonder if the honourable minister could give this House

the cost of those seats, when we purchased them, and what the airline will have to sell a business class or a coach seat at to recoup the actual cost of the seats?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The member is correct. We have new seats. A lot of them will now be installed into the aircraft. Once again, it seems that when they normally schedule these seats to go in . . . And I don't mind telling you because I too have been frustrated about asking when are these new seats going in. But they seem to be going to do this when there is down time on the plane, as it says here, during the next heavy check. From what I can understand, they should have all the documentation on this at that time, but, yes, the seats have come and they are stored and they will be installed.

I asked the question on the cost, I don't have that but I will get it for the Elected Member for North Side and I will have it sent to you in writing. I undertake to do that.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Sir, you will bear in mind that this answer took 11 minutes for the minister to finish reading it out. So, I trust that you will—

**The Speaker:** It is almost lunchtime.

**Mr. D. Kurt Tibbetts:** Yes, sir, I trust that you will appreciate that because of the length of the answer it is only fair that we be allowed a few more supplementaries. So, I was only going to suggest that since it is that time perhaps we could take the luncheon break and resume with this question right after the luncheon break.

**The Speaker:** We will take your supplementary first.

**Mr. D. Kurt Tibbetts:** Okay sir that's fine. It is really not a problem to me but I just hope that it does not cause a problem in not being allowed to ask supplementaries that we wish to.

In the substantive answer the minister mentions as one of the objectives, "**To develop an integrated marketing and business plan for the year 1999 which would lay the groundwork and be used for the development of a second five-year plan for the period 2001 - 2006**". In the very beginning his answer talks about the five-year strategic business plan generally referred to as CAL21, saying it was updated and some priorities re-stated in 1998.

Could the minister state if the marketing and business plan for the year 1999 has been developed and is it, in fact, going to be or already is to the stage where it will be used in the development of a second five-year plan for period 2001—2006? And at what stage is the 2001—2006 plan?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** A working document does exist that will be refined. It will then go to the board for acceptance, whether or not that would be used for the second five-year plan. And a decision, because a lot of it will be policy integration of the marketing and business aspect to it. That will go on to the board for final decision, as did the earlier five-year plan. It probably will be early in the coming year.

**The Speaker:** Supplementary, do you have a follow-up or do you want to take lunch at this time?

**Mr. D. Kurt Tibbetts:** It seems like the Cayman Airways staff who are here to assist the minister in answering perhaps it would be inconvenient to take the luncheon break and then they have to come back. I am easy but if it is more convenient for them I will continue.

**The Speaker:** That's exactly what I was saying. Please go ahead.

**Mr. D. Kurt Tibbetts:** That is fine.

The First Elected Member for West Bay is not in the Chamber so I am sure he is satisfied by now so we don't have much to worry about at this point in time, sir.

The minister also states that the first jet Cayman Airways purchased in 1994, registered VPCAL, will be fully paid off by the end of October this year. The original loan was approximately US\$5.4 million. It is my understanding that the original arrangement was that the government owned leasing companies that engaged in borrowings for the aircraft and in turn leased the aircraft to Cayman Airways. The leasing companies were able to acquire the loans via a government guarantee and Cayman Airways made lease payments to the leasing companies which were to the tune of whatever the loan payments were. That is my understanding as to how it went at the beginning.

At present it is also my understanding that the assets owned by those leasing companies have now been transferred into Cayman Airways, that is, namely the aircraft. I would like to understand clearly . . . the government guarantee that was given to the leasing company, obviously if the assets of the leasing company were transferred into Cayman Airways, first of all, it should mean some situation of equity by the government into Cayman Airways. I want that explained just for clarity.

Secondly, the guarantees that were given by Finance Committee for the aircraft to the leasing companies, what mechanism has been used to transfer that guarantee? Obviously it will have to be Cayman Airways. Or, do those leasing companies still exist? If so, or if not so, how are the loans being dealt with at present? Are the loans still in the name(s) of these leasing companies? Are the loans now in the name of Cayman Airways? Or, are the loans directly in the name of the government of the Cayman Islands?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** Mr. Speaker, the honourable member has fairly set out the arrangement and where this says "Cayman Airways purchased," it should say, "leased" back in 1994.

The assets and the debts were transferred to Cayman Airways and now sit in the name of Cayman Airways. We came here and did a variation quite a while back in Finance Committee allowing the guarantees to be transferred to Cayman Airways. So, the liability has moved from the leasing companies to Cayman Airways and then Cayman Airways directly services those loans.

The leasing companies still exist, but in due course they will become defunct (I hate to use those words in here) under the law and perhaps will just be struck from the register. They now hold no assets, all the assets have been transferred to Cayman Airways.

The leasing companies—I will have to wait until I get the audited accounts to see how that was—basically assigned all assets and liabilities into Cayman Airways. What really had happened, sir, in effect even though the jets were owned by the leasing companies—which leased to Cayman Airways—Cayman Airways paid rental at the rate which allowed the leasing companies to pay the loans.

So, in effect, Cayman Airways had built up through lease payments—

**Mr. D. Kurt Tibbetts:** [*inaudible comment*]

**Hon. Truman M. Boddén:** I know what the member is referring to, maybe, whether shares had been issued for it. The answer is no.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Perhaps then the minister could explain for purposes of clarity if all assets and liabilities were transferred from the leasing companies to Cayman Airways? And, once you have an asset which has a value and you are making payments, as those payments are made, you then continually increase with the differential between your assets and liabilities. So, assuming that the assets were worth more than the liabilities, and the leasing company transferred the assets and liabilities which were owned by the government of the Cayman Islands, how does the equation balance?

If I have to be very clear: the planes were worth more than was owed on them which in effect the beneficial ownership by the government of the Cayman Islands indicated that the government had an asset. Did it simply dump the asset into Cayman Airways? What balanced the equation?

The minister is well familiar with the term, single entry bookkeeping. I am trying to understand what transpired.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning

**Hon. Truman M. Bodden:** The method of doing this was one that the external auditors (and I would say the management) took the decision on. Let me just explain what they did—there were different ways that this could be done. At the end of the day, the auditors have to be relied on for the guidance in these areas.

Government owned all of the shares in the leasing companies. Government owns all of the shares in Cayman Airways Limited therefore they were both common subsidiaries carrying on a similar business. I understand what the member has said. But the only way to get this explained, and I will have the audited accounts sometime within the near future and I will make sure they are published before the elections. I can assure members of the House that in the interest of transparency—this transparency thing keeps getting to me.

What they in effect did was to do a merger of the assets and they merged the two companies. I know this is complex, there is no two ways about that. What I understand they have come down to, they have merged—because government owned both therefore government owned the assets, liability and equity in each one. They have taken the assets and merged them. That is the best explanation I can give but I will give the honourable member the audited accounts as soon as I can get them.

**The Speaker:** The First Elected Member for George Town we can only go two more supplementaries.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, I knew it would come down to this. But life is like that sometimes I guess. I am by no means satisfied with the minister's answer and certainly you will not treat this as one of those two supplementaries, sir. I would simply ask the minister for an undertaking—in writing is fine—to clearly explain what transpired, how it transpired and why it transpired. Just a matter of understanding as I was never able to grab on to that. Obviously, the minister has shaken his head so I don't have to give way for him to answer that.

In the very last paragraph of his answer, the minister says, "**In conclusion, I hope the 1999 audited financials will show the airline is getting close to break-even after subsidy, representing the second year in a row that the airline has held near break-even**".

He goes on to say, "**For the first time in many years CAL has seen some strides forward financially.**" I would like to know from the minister if his reference here has anything to do with those same assets that we just talked about or whether it is actually the operating performance of the airline.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The operational side has seen a good increase in sales and for that thanks has to go to the manager in the sales department and also to our managing director.

Firstly, the airline has stabilised considerably. It has had time to consolidate and I think that the cautious and conservative approaches to the airline have given the opportunity for improvements in these areas. There are obvious improvements and assets as well.

**The Speaker:** Final supplementary. The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Where the honourable minister just mentioned about the increase in sales, I appreciate what he is saying and this \$1.4 million increase in gross sales which I equate to gross income for 1999 compared to 1998. Could the minister state what are the comparisons with regards to the expenditure for 1999 compared to 1998? It would seem like while he would be quite willing to latch on to one he should have tried to grab the other so when he knew one he should know the other.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I will have the audited accounts in the near future and it will set out the increase in sales, expenditure and everything else. What I will say, Mr. Speaker, the conservative policy of buying the jets rather than leasing them has saved this country millions of dollars. That type of conservative policy has to be good for any business not just Cayman Airways—why lease when you can buy?

**The Speaker:** At this time we shall suspend proceedings until 2.30 PM for lunch.

#### PROCEEDINGS SUSPENDED AT 1.16 PM

#### PROCEEDINGS RESUMED AT 3.02 PM

**The Speaker:** Proceedings are resumed. Question time continuing. Question number 76 is standing in the name of the First Elected Member for George Town.

Before putting that I would ask for a motion to suspend Standing Order 23(6). It reads as follows, "**Not more than three questions requiring an oral answer shall appear on the Order Paper in the name of the same Member for the same day . . .**" Therefore, this is the fourth one for the First Elected Member for George Town.

The Honourable Minister for Education, Aviation and Planning.

#### SUSPENSION OF STANDING ORDER 23(6)

**Mr. D. Kurt Tibbetts:** Mr. Speaker, the honourable minister is busy so I would beg to move that we suspend Standing Order 23(6) in order that more than three ques-

tions standing in my name can be asked in the same day.

**The Speaker:** Seconder, the Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I second that, sir.

**The Speaker:** The motion has been moved and seconded that we suspend Standing Order 23(6). Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. Question Time continues.

**AGREED: STANDING ORDER 23(6) SUSPENDED.**

**The Speaker:** Question number 76 standing in the name of the First Elected Member for George Town.

#### QUESTION 76

**NO. 76: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for Education, Aviation and Planning to give an update on what consideration is being given to pension benefits for long-serving Caymanian employees of Cayman Airways.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Cayman Airways Limited (CAL) is fully in compliance with the National Pensions Law for all employees, including long-service employees. It is recognised that certain older and long-serving employees would have had a shorter time to contribute to the pension and wherever possible CAL makes every effort to deal with such cases on an individual basis.

There are approximately 20 employees who have 20 years or more service with the airline, however, most of them are relatively young, still in the 40s and early 50s.

CAL is committed to assisting such employees wherever possible, both financially and practically. When presented with such case, CAL's first option is to try and arrange mutual agreeable terms of continued employment, in other words, continued employment which the employee is capable of performing and which would be beneficial to the airline. In a case where the employee cannot continue to perform the job held, then the airline will also consider the option of severance pay under the terms as outlined in the current Labour Law.

#### SUPPLEMENTARIES

**The Speaker:** Supplementary, the First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Recognising the fact that in singling out these employees when asking the question it would apparently seem to put them in a different category from other employees who have not been with the airline that long. Understanding what the minister has answered, could he state if any consideration is being given to the fact that while these employees may be in their 40s or 50s it still puts them at a disadvantage—given what is considered the length of tenure that they would have normally before retirement age—insofar as those who are with less service in the airline are going to have the advantage of having a longer period of time to build up such a pension.

The disadvantage that I speak about, so that it is very clear, is the fact that the Pension Law calls for contributions both from the employer and the employee. So, there is going to be an advantage—the longer the tenure since the Pension Law came into effect. I am asking because of this, is there any special consideration being given?

The way the answer has been given to me, it really does not help the question that was asked.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I understand the point the member is making and I think it is a position that every company in Cayman probably finds itself in because compulsory pensions have just recently come in. By all means, as is stated in the latter paragraph of the answer—Cayman Airways is committed to assisting such employees wherever possible. The answer to that is, yes, we are committed to assisting however it is a problem generally in all companies, I guess, where there was no pension previous to this (the Pension Law) but wherever we can mitigate the hardship obviously we would.

So, that is why if they continue employment it will give them an opportunity of building up because at their level the contribution is significant compared to a younger person. That is the best I can really say, sir.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I hear what the minister is saying, but the view that some people take is the fact that Cayman Airways is owned by the government and while it is a business and has to be run as a business, other statutory authorities owned by the government and other agencies that the employees are not directly termed as permanent pensionable establishment—the employees in those areas still receive benefits that are equated to the way the government operates. I grant that it is stretching it a little bit to consider Cayman Airways in the same light but it is not unfair for those employees to look at themselves almost as government employees.

With that in mind, that is why the question was asked and I will ask it again. Because what the minister is stating, while if that is the position then that's the posi-



tion, I am asking if it cannot be looked at differently. I respect the fact that if you look at the entire airline and its employees it is difficult to be singling anyone out because others might complain. But as the minister would say, the facts are the facts. I am asking if no consideration can be given in that light bearing in mind that even with the government we now have a defined contribution plan which has been recently instituted compared to the defined benefit plan, that was the case previous to this. These people who have been there for that length of time have been walking and working side by side with no benefits at all compared to the other benefits that have been received by government employees.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I follow what the member is saying and it obviously has my sympathy and I am sure the sympathy of the management of Cayman Airways. I do know and he is quite right, the statutory authorities created by a law do have a lot of benefits similar to government including that one. I guess what would have to happen . . . because Cayman Airways does not have the finances obviously to do this. Like I said, I am very sympathetic with this and I can well understand why some of the long-term staff may have that feeling. I think what we may need to do is to get a study done on the cost and then ask Finance Committee to look at it because it would have to be funded from here because we don't have the money to fund it. I am just stating, as the member said earlier, facts are the facts. Maybe this is something that needs to be done.

I know that with the statutory authorities—well, they are all a little bit different in some ways—but many of the benefits to government are similar. I guess looking at it from another point of view is, well salaries sometimes at least some companies are not tied to government nor some statutory authorities to government salaries. It has my sympathy and whatever I can do and if the feeling here is that it should be looked at, I will ask for a study to be done to check on how many would be in those brackets, about how much would be involved.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** For instance, during the time that government employees were under the defined benefit scheme you had to serve ten years consecutively before you were eligible for pensions. I am suggesting to the minister that it is not in my view an impossible situation. If the equation were worked in a manner similar to that whereby you would simply be looking at, after that period of time, whatever gap has been before these people joined any pension plan, to try and fill that gap for them. I am just using an example to show the possibilities.

Understanding that this is something that may have to be dealt with in this arena and the only way to determine that which I thought was being done was by finding

out exactly how much money we were looking at. I thought that was being done but nevertheless whatever.

The fact is, I am asking the minister to give an undertaking simply to determine those facts—that it can be looked at to know exactly what dollar value we are up against to see how the situation can work that makes them feel a bit more satisfied with tenure they have at Cayman Airways. I don't think that anyone expects to go right back from day one and put it all together in that fashion. So, if the minister would simply give an undertaking and not just let it fall away, please.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I will just say, I do.

**The Speaker:** Are there any further supplementaries?

If not, question number 77 is standing in the name of the First Elected Member for George Town, which also requires the suspension of Standing Order 23(6).

#### SUSPENSION OF STANDING ORDER 23(6)

**Hon. Truman M. Bodden:** I move the suspension of the Standing Order.

**The Speaker:** The question is that we suspend Standing Order 23(6). Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. Standing Order 23(6) has been suspended.

#### AGREED: STANDING ORDER 23(6) SUSPENDED.

**The Speaker:** Moving on to Question number 77 standing in the name of the First Elected Member for George Town.

#### QUESTION 77

**NO. 77: Mr. D. Kurt Tibbetts** asked the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs to explain the parole system for prisoners being implemented at present.

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** The revised arrangements for the consideration of inmates for parole or remission of sentence, were issued by the Portfolio of Internal and External Affairs under authority of His Excellency the Acting Governor on 15 August 2000. A copy is provided for honourable members, but for the benefit of the listening public, I beg your permission to read these:

### Parole (Caymanian Inmates)

**Parole:** Parole is the privilege to continue the pursuit of rehabilitation aims without remaining in prison. It is not a right.

**Eligibility for Parole:** Only Caymanian inmates will continue to be eligible for parole. Eligibility for consideration for parole will continue to be upon serving one year in prison or one-third of sentence, whichever is greater.

**Remission and Deportation (Non-Caymanian Inmates):** Remission is the setting aside of the remainder of a sentence by His Excellency the Governor. It is not a right. Deportation is the physical removal of that individual from the Cayman Islands with the legal and administrative revocation of the individual's right to re-enter the Islands.

**Eligibility for Remission and Deportation:** Only non-Caymanian inmates will continue to be eligible for remission and deportation. Eligibility for consideration for remission and deportation will continue to be upon serving one year in prison or one-third of sentence, whichever is greater.

### Parole Board

**Role:** The Parole Board is advisory to His Excellency the Governor in respect of matters related to the granting of: Parole; and Remission.

**Membership:** The Parole Board will consist of five members including at least one younger person (under 35) and at least one female.

Members of the Parole Board will be appointed to serve at the pleasure of His Excellency the Governor. His Excellency the Governor will also appoint the Chairman.

The Director of Prisons and the Deputy Commissioner of Police and the Chief Probation Officer will be ex-officio members of the Parole Board.

**Deliberations:** As soon as suitable facilities are available, the Parole Board will sit at the Prison.

Each prisoner eligible for parole or remission is entitled to make a short submission in support of his/her case to the Board or such of its members as it designates for hearing such representations. The prisoner will not be represented at such an appearance.

Decisions will be reached by consensus.

**Parole Goals and Conditions:** Based upon the Parole Board's recommendations and relevant to the individual and the offence for which he was convicted, each grant of parole will specify: Goals which the inmate agrees to seek to achieve; and Conditions with which the inmate agrees to comply in pursuing these goals.

**Length of Parole Board:** A grant or parole will be for the remainder of the period of sentence that has not been served.

**Reconsideration of Unsuccessful Inmates:** An inmate who is refused parole or remission after serving the relevant eligibility period for consideration will be advised by the Board of: the outstanding areas which the inmate

needs to achieve; and the approximate date when he will be reconsidered.

The date for reconsideration will reflect these outstanding areas and provide a realistic timeframe for their achievement.

Subject to an inmate's performance, the Director may recommend to the Board that he be reconsidered earlier.

**Effective Date:** These revised arrangements will come into effect on 15 September 2000.

### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Perhaps it was good timing on behalf of the Honourable Temporary Acting First Official Member to answer the question today. I know that there was a press release on the matter but I think it probably requires a bit of clarification outside of the press release.

So that we may have a more rounded picture, could the member, if he is in the position to answer, give us a brief outline with regards to how the agency which operates during the time of a person's parole makes sure that that person adheres to the conditions of his parole?

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** The primary monitoring and supervisory responsibility in relation to persons on parole is provided by what is called the Probation Aftercare Unit of the Social Services Department headed up by Chief Probation Officer and staff with two or three other probation officers.

Those individuals are primarily responsible. They establish a schedule with inmates as to what intervals they wish for them to report to them and there is also a schedule where relevant, at least in appropriate terms of when they would intend to visit the inmates. They are subject to the offence, which may have been committed.

There are various other rehabilitative activities that they may be required to take part in. And on his reporting appointments provide substantiation that he has fulfilled it.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the member state if there is any provision through any agency, not exclusive of the one he just explained whereby prisoners are assisted in entrenching themselves back into the society via jobs et cetera?

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** There is certainly a very active programme which the Ministry of Community Development primarily through its Labour Office operates. I am at a loss with the actual name of it. I think it may be called Project Prepare which is the leading programme in terms of trying to line inmates with job opportunities upon release from incarceration.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, can the honourable member tell the House what provisions exist for the adequate supervision of the parolees? Adequate in terms of their placement and supervision in terms of monitoring employment, leisure time, et cetera.

**The Speaker:** The Acting Honourable First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, as I have already mentioned, the Probation Aftercare Unit would be involved from the time the inmate is being considered for parole because the Chief Probation Officer is an ex-officio member of the Parole Board and is also a source of professional advice to the Board as to the individual's potential for consideration for parole.

That unit would liaise with Project Prepare, or in some cases, making enquiries on behalf of the inmate in respect of opportunities that the inmate himself, or through family, may have identified and established outside. In that case it's simply for the Probation Aftercare Unit to confirm that a prospective employer is, yes, willing to offer employment to that individual.

So, the lead role in terms of government agencies and assisting with arranging employment is Project Prepare. The Probation Aftercare Unit would obviously monitor that persons are working where they say they are working, that they are attending any other programmes that they are required to attend, and if there are restrictions in terms of social life will make random checks to see that the persons are not abusing those conditions as well.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** It is a recognised fact among criminologists and persons who are experts in incarceration that certain long-term prisoners find it extremely difficult to move directly from prison to an unstructured life in civil society. Can the honourable member say whether the government in its on-going development and advancement of the parole system has any plans for the construction of a halfway house so that those prisoners who are released from prison, both in finality and also on parole may move into a semi-structured environment in preparation for unsupervised life in the civil society?

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** I certainly concur with the views that the member has expressed in terms of the potential benefit of making the transition from incarceration to freedom, Phase I, in the case of particularly the longer term prisoners. It is a component that we would very much like to be able to introduce. Its key element is the accommodation aspect. And having said that, some consideration, in fact, is being given to perhaps using some existing accommodation immediately outside the prison but obviously that is very limited. The ideal thing would be to provide suitable accommodation perhaps of a different regime and obviously with different amenities but partly within the prison perimeter itself.

But it is certainly an area that we are conscious of and we are looking to see how we can introduce.

**The Speaker:** Are there any further supplementaries?  
The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I would like to go back to the area of the substantive answer which speaks to eligibility for remission and deportation. On page 2 of the answer where the member says, "**Only non-Caymanian inmates will continue to be eligible for remission . . .**" understanding what remission means as it is explained in the answer, can the member state the reasoning why remission is only allowed for non-Caymanians rather than for all prisoners? I am not attaching it to deportation. I am just talking about remission itself.

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** The primary reason for holding on to the remission approach to non-Caymanians simply is that it is not practical either economically or even legally, one could argue, because of other legislation. Perhaps it is not acceptable socially to say that you are going to attempt to offer parole to non-Caymanians. In turn, if you are going to release someone from prison you either must release them on a parole arrangement or in the case of non-Caymanians remit the remaining of their sentence which means that there is no reason for them to continue to remain in prison.

Because you are talking about people who invariably will have served one year or one-third of their sentence, whichever is greater, you are inherently talking about people who are also under the Immigration legislation deemed prohibited immigrants who would not be permitted to remain in the island and who would otherwise be required to leave and so that whole process is generally calculated into a deportation order. It simply is not practical to let the person out of prison with a portion of sentence remaining and hence the reason why you remit the remaining portion of sentence. Obviously, the person may have served 18 months or 23 months or whatever; what happens is that you remit the remainder

of the sentence and by virtue of it being remitted the prison no longer has a reason to keep the person.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** So, safe comment then is that in the case of non-Caymanians remittance is equated to parole for Caymanians?

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Obviously, what we have tried to get is as much parity and equity in these arrangements as is practical because, when you come out of the gate at Northward your options are substantially different. I will hear the line from time to time that one still has an advantage over the other. We certainly think that this is as equitable as we can be. If two prisoners, the same sentence, the same offence and who both behaved impeccably if at a common point in time, they can walk out of the facility. Albeit one will probably leave the island and the other one will be here on parole because he is a Caymanian, if the incarceration can end at the same time we think that is as fair as we can currently be.

**The Speaker:** Two additional supplementaries on this question.

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, I only need one at this time. Perhaps someone else might need to ask a question.

Again, just for purposes of clarity and understanding what the member has said perhaps then is it also safe comment to say that while parity is attempted here the difference in the whole situation is that the Caymanian is going to be residing within the Cayman Islands and, therefore, there has to be some system in place to do as much as possible to ensure that person returns into the society within the Cayman Islands as a productive citizen hence the parole to help the person along during that process, while in the other instance the person is going to be out of sight and out of mind and therefore basically just falling away.

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Yes, I certainly think that there is a definite advantage in making parole as lengthy as it can be. If you use the analogy of teaching someone to ride a bicycle—I think if you have an hour to spend with someone and you hold on to them for 20 minutes out of it but you walk with them for the other 40 minutes just in case they fall down. But if they are able to ride for 40 minutes without falling down, their chances of not falling down are a lot better than if you held on to them for 45 or 50 minutes.

I think to some extent the practice had been to see parole as, perhaps, giving people a break rather than seeing it as an opportunity to allow them to come back into the society under that supervision for as long as possible. If you can have someone on parole for 18 months or 2 years and they can comply with the parole then the chances are, we think, substantially greater that when the parole is up they will continue to comply with society's norms. And that is partly the reason, as well as in some cases, inmates were kind of passing on the parole and saying, *'We would rather stay because we are only going to get three months on parole. We would rather serve those three months here and not have to deal with 18 months.'* In the long run that does not benefit inmates and perhaps only contributes to recidivism in any case. But I thank the member for his questions which have allowed me to elaborate a bit more on the matter. Thank you, sir.

**The Speaker:** No further supplementaries? We will move on to question number 78 standing in the name of the Elected Member for North Side.

#### QUESTION 78

**NO. 78: Mrs. Edna Moyle** asked the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs to give the nationality, professional qualification and length of stay in the Cayman Islands of persons granted Caymanian status by the Governor in council since January 1997.

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** A total of 14 persons were granted Caymanian status by the Governor-in-council since January 1997. The following is the list of their names, professional qualification, nationalities and length of stay in the Cayman Islands and the date of grant.

| Occupation       | Nationality | Residence (Years) | Date Granted |
|------------------|-------------|-------------------|--------------|
| Jurist           | Jamaican    | 14                | 11.11.97     |
| Jurist           | Jamaican    | 3                 | 11.11.97     |
| Housewife        | Jamaican    | 14                | 06.01.98     |
| Housewife        | Jamaican    | 3                 | 06.01.98     |
| Jurist           | British     | 6                 | 27.10.98     |
| Housewife        | British     | 6                 | 27.10.98     |
| Jurist           | British     | 9                 | 14.12.98     |
| Housewife        | British     | 9                 | 14.12.98     |
| Governor         | British     | 4                 | 05.03.99     |
| Housewife        | British     | 4                 | 05.03.99     |
| Sales Associate  | Costa Rican | 5                 | 13.04.00     |
| Labourer         | Honduran    | 13                | 13.04.00     |
| Tiler            | Jamaican    | 5                 | 13.04.00     |
| Debt Collector   | Jamaican    | 27                | 13.04.00     |
| Roof Technician  | Honduran    | 3                 | 13.04.00     |
| Police Officer   | Barbadian   | 5                 | 18.07.00     |
| Prison Officer   | Jamaican    | 6                 | 18.07.00     |
| Prison Officer   | Jamaican    | 9                 | 18.07.00     |
| Auto Body Repair | Jamaican    | 8                 | 18.07.00     |

## SUPPLEMENTARIES

**The Speaker:** The First Elected Member for West Bay, supplementary.

**Mr. W. McKeeva Bush:** Mr. Speaker, can the honourable member say on what basis Executive Council granted these persons status?

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Basically, Executive Council is empowered to grant such status where it is considered to be a special reason for doing so. I certainly don't have the fourteen reasons for these grants but I would be happy to provide them . . . or if there is any particular one that the member is interested in, I would be happy—

**Mr. W. McKeeva Bush:** Mr. Speaker.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Thank you, sir. Mr. Speaker, I understand that there have been special circumstances as he said and I won't pressure the honourable member because he is only acting, but I would say, sir, I would have thought that government would have prepared some information along the lines we have asked. These are just a few people to be granted status when there are so many who have been left; some have been here for 40 years. I see a roof technician, a Honduran . . . I don't know for what reasons and I am simply not saying anything against that at this time, other than to say it was for three years. I don't know what special circumstances existed, in other words.

For instance, I know of a Honduran family who has been here 40 years, still paying school fees for their child, have Caymanian passports and there is no assistance as such given by Executive Council. So, I am wondering whether the member could also write because it seems like he doesn't have the information with him presently.

I see other nationalities here for 5 years. Let us not look at nationalities . . . just look at the time periods—3 years, 4 years. So, I would not want anyone to believe I am talking about nationalities, I am talking about time periods and we don't know what the special circumstances are.

So, I am wondering since the honourable member doesn't seem to have information with him whether he would give an undertaking to write to us and give us the reasons why.

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, I certainly don't have a problem with that. I will certainly do that. I think it is correct to say that on the second page of this list that I

gave, the grants in April of 2000 are in relation to football players which that same member previously asked me about.

**Mr. D. Kurt Tibbetts:** I suppose you think that makes it right.

**Hon. Donovan Ebanks:** No, no, all I am saying I am reminding that those are the April grants. The July grants related to cricket and the National Cricket Team of which I certainly made some public statement in the press or here. But the ones prior to that—

**Mr. W. McKeeva Bush:** On a point of order and for clarity—

## POINT OF ORDER

**The Speaker:** Let me hear your point of order, please.

**Mr. W. McKeeva Bush:** I think the member was willing to, Mr. Speaker, when he says I asked him about. Please clear that up. Are you talking about this question? I asked you about this question, am I right?

**Hon. Donovan Ebanks:** *[Inaudible comment]*

**Mr. W. McKeeva Bush:** You are referring then to the question asked earlier this year about clubs, that is what I would like you to clarify. You just said, those that I asked you about.

**The Speaker:** The Honourable Temporary Acting First Official Member can you clarify that?

**Hon. Donovan Ebanks:** Mr. Speaker, I am referring here to a parliamentary question and it may not have been by that member but I thought it was from him in relation to grant of status. He did ask for some information on a supplementary question about which clubs the individuals were affiliated with, which I still owe him. I will acknowledge here that I still owe him. *[Laughter]*

**Mr. W. McKeeva Bush:** *[Inaudible comment]*

**Hon. Donovan Ebanks:** No, no, no I will acknowledge that I still owe you that and I hope to get it for you next week. Those in April related to the National Football Team. The four in July related to the National Cricket Team. The others prior to that I can gladly seek to provide the basis of grants in writing.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, my heart goes out to those individuals who find themselves in the midst of perhaps a possibly nasty situation between some of us and the government. My heart also goes out, sir, to those few Members of Executive Council who I know might be

a bit more fair-minded than others but who have to go along with the majority as they are dragged along into their own little whims and fancies.

Nevertheless, could the member state if perchance he has any idea how many of these grants were made between the government taking office in late 1992 up until the time that he has given the answer? Does he perhaps at this point in time have any idea how many others were granted prior to that by this government which took office in November 1992?

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** No, Mr. Speaker, I have no numbers in relation to the period, November 1992 to December 1996. But, again, I can certainly seek to provide those for the member if he wishes.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Could the Honourable Temporary Acting First Official Member say if there are any connections with any of these persons to Caymanians—are any of them married to Caymanians? If so, which ones?

**The Speaker:** The Honourable Temporary Acting First Official Member. I think we are getting a little bit more detailed and if you don't have it you will have to give it in writing.

**Hon. Donovan Ebanks:** Unfortunately some of these I don't have the information because I know the information was given publicly. The information appeared in the paper and I really didn't expect that it would be information that I would necessarily be asked down here. I am sorry I don't have it, but in the July batch there was certainly one law enforcement officer, either the Police or Prison, who is married to a Caymanian.

*[Inaudible comment]*

**Hon. Donovan Ebanks:** Again, I would be happy to provide that information. As I said, it had been stated previously and I did not bring it along.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** The honourable member stated earlier in an answer to a supplementary question that Executive Council seems to reserve the right under the law to grant Caymanian status to individuals under special circumstances. I am familiar with that law but I am not quite sure of the exact wording. Could the member state what is basically the premise under which Executive Council operates and what basically do they look at as special circumstances? I know that in a previous supplementary question the member undertook to give the reasons for the individuals that were involved. I am not

really asking a question dealing with individual circumstances I am trying to get a generality if it is at all possible to be answered.

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Mr. D. Kurt Tibbetts:** Perhaps to make it a little bit clear—

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** What kind of circumstances, along with what I asked the member, would Executive Council consider to be special circumstances?

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** My recollection of such grants is that they have normally been to persons who held high office or provided exemplary service and hence the category of jurists, governor, et cetera. Bureaucracy has been bureaucracy. Precedents often times become stronger than circumstances and I would think that the consideration of governors and jurists has become perhaps a bit of a norm at the conclusion of tenure or in some cases during.

I think the two categories this year of athletics, namely, football and cricket were reflective of what Council felt were genuine and justified reasons to try to facilitate the development of those respective sports by assisting local or Caymanian athletes in those fields to have the opportunity to participate competitively at a level without the inclusion of these persons who had been involved in the sports but who were not Caymanians. The participation could have taken place but the competitiveness and benefit would not have been the same. So those two groups fell into a category aimed at basically assisting the development of sports.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Given the answer I just heard, is it fair comment to say that Executive Council (I knew would get someone's attention now) recognises their right under these special circumstances and on occasion have exercised that right because they thought they were right? But having no consideration for the ordinary procedures which would allow the long-term residents of this country the ability to be considered for Caymanian status.

Seeing that the same Executive Council is that body which continues to implement a moratorium based purely on the grounds of length of stay that at this point in time no one can be considered for such a grant but the Council certainly takes up the right which they have legally to

find these special circumstances which have no bearing on length of stay.

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** The government is obviously very cognisant of the category of persons that the member's question refers to—those persons who have been here for what can only be termed long periods of time whether 20, 30, and in some cases 40 years.

All Members of this House have been looking at that particular issue in the Select Committee, which was appointed and has worked extremely hard over the last few years, and which made substantial progress even if perhaps at the final take did not finish as strongly as most members would have hoped. I expect that this House and the public will be informed before the conclusion of this sitting as to the status of deliberation of that select committee.

It obviously is not fair to say that government is not aware of those people and committed to addressing their situation. The fact that these other grants have taken place occasioned by developments in the respective sports in no way changes the fact that the government is committed to continuing to pursue solutions in respect of those long term residents.

The hope certainly can be that whenever this legislature reconvenes after elections that the efforts that were on the way can be resumed as quickly as possible so that we can all move towards dealing with those issues, and dealing with it in a way in which hopefully the majority of members, if not all, can have agreement on.

**The Speaker:** Are there any further supplementaries?

If not, we will move on to question number 79 standing in the name of the First Elected Member for George Town, which also requires the suspension of Standing Order 23(6).

The Honourable Minister for Education, Aviation and Planning.

#### **SUSPENSION OF STANDING ORDER 23(6)**

**Hon. Truman M. Boddén:** I am happy to suspend Standing Order 23(6) to allow the First Elected Member for George Town to ask another question.

**The Speaker:** I shall put the question to the motion that we suspend Standing Order 23(6). Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 23(6) SUSPENDED.**

**The Speaker:** Question number 79 standing in the name of the First Elected Member for George Town.

#### **QUESTION 79**

**NO. 79: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture what is the status of the new hurricane shelter in Little Cayman?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** The new Public Works Department's building in Little Cayman is ready for use as a hurricane shelter. It is also designed as an emergency medical centre.

#### **SUPPLEMENTARIES**

**The Speaker:** Supplementaries, the First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** At the risk of it being considered a joke—but just making sure that we have it very clear, can the honourable minister state if any keys to that building are located in Little Cayman and who at present has control of such a key?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** The procedure is as with all projects that once the contractor is finished with the job, the keys are handed over to the project manager who then takes it if it is a project in Little Cayman across to Cayman Brac, where keys are cut and returned to the District Officer.

I am happy to say that this has been done and he has adequate keys.

**The Speaker:** Supplementary, the First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** In the answer the minister states that the new public works building in Little Cayman is ready for use as a hurricane shelter and it is also designated to serve as an emergency medical centre. Is there any other purpose that this building is going to serve besides these two designated uses?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** In the substantive answer it referred to the public works building in Little Cayman and it was presumed that all members would know. But to make it absolutely clear it will also be serving as the public works workmen accommodation. It is a total of 2,944 square feet consisting of eight bedrooms, four bathrooms, open living, dining and kitchen area and

a laundry room. It also has workshops that is an ancillary facility to the main building.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Assuming that when the minister mentioned 2,900 square feet that was the entire floor area of the building and hearing her speak of eight rooms, four bathrooms and other areas, can the minister state what actual square footage is available for public use?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** The only time it would become necessary under the functions as proposed in this building for public utilisation would be in the event of a national emergency or hurricane. Otherwise the main or substantive use for this property is for accommodation for the public works men. Of course, in the event of a hurricane situation the majority of them being transient workers from the Cayman Brac would be back across in Cayman Brac. It is built to accommodate 105 persons and circumstances of an emergency nature.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the minister state if it is this building or a separate building where a police station is supposed to be?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** We have constructed a separate building in very close proximity of this accommodation which is due to be open and confirmed by the honourable Chief Secretary within a very short time.

The public works building itself is planned for opening on the 28<sup>th</sup> of this month.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the minister state what is the location of these two buildings that she referred to and is it on the same piece of property where the separate building is or is it a separate piece of property?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** If memory serves me right it is on the same Crown property on the road commonly known as the Spot Bay Road, which is across Island Road in Little Cayman. It is adjacent to the original

hurricane shelter that was built some years ago which is now being used for the Little Cayman primary school and medical clinic, it is to the north of that building.

**Mr. D. Kurt Tibbetts:** If I may continue, Mr. Speaker.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Understanding where the location is and bearing in mind the condition of that road, and also thinking that public works vehicles are going to be housed in that compound, and perhaps the fact that it is designated as the only building that is designated to be used in any national emergency, is any serious considerations being made to doing anything about the physical condition of that road that those buildings are located on?

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** The road, the adjacent parcels are in private ownership. The Public Works Department have already drawn the road as we would like to see it done and the works manager from the Brac has been instructed to begin the section 3 gazettal process whereby persons would be given 21 days' notice. If it goes through the normal process, if it is deemed to improve the property then they will not get financial compensation otherwise they would.

As soon as that process is finished and subject to the next upcoming budget it is our intention to straighten that road and also to raise it and do the necessary up-grading of the Spot Bay Road.

**The Speaker:** Are there any further supplementaries?

Moving on to question number 80 standing in the name of the Third Elected Member for West Bay.

## QUESTION 80

**NO. 80: Mr. John D. Jefferson, Jr.** asked the Honourable Second Official Member responsible for Legal Administration how many of the Cayman Islands Law School graduates, Class of 2000, are Caymanian, and what is being done to place the Graduates in positions in keeping with this new qualification.

**The Speaker:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** The total number of Caymanian graduates at the 2000 graduation ceremony was 15, broken down as follows:

|                                     |          |
|-------------------------------------|----------|
| <b>Professional Practice Course</b> | <b>1</b> |
| <b>Full-time LLB (Hons.) Degree</b> | <b>9</b> |
| <b>Part-time LLB (Hons.) Degree</b> | <b>3</b> |
| <b>Diploma in Higher Education</b>  | <b>1</b> |
| <b>Diploma in Legal Studies</b>     | <b>1</b> |



Graduates of the part-time degree and diploma are already employed, usually in law-related positions, in the public or private sector. Graduates of the full-time degree programme who wish to pursue a legal career must first complete a professional practice course locally or overseas. Thereafter, training is generally completed by registering articles of clerkship with a local law firm. Most Caymanian graduates are successful in obtaining vacation employment and/or sponsorship from local firms during the course of their law school studies. Consequently, the Law School is unaware of there being any Caymanian graduates, desirous of pursuing a legal career, who have not obtained offers of employment locally from either the Legal Department, the Judicial Department or the private sector.

The Legal Department of the Attorney General's Chambers actively recruits Caymanian Law graduates. One graduate of the University of the West Indies has commenced this year, and a Cayman Law school graduate will join next year after qualifying in the United Kingdom.

**SUPPLEMENTARIES**

**The Speaker:** Supplementaries? The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** As a supplementary, my first one is, how many of the graduates were non-Caymanians?

**The Speaker:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** In the current year, 2000, the total number of graduates was as followings (I will give you the \*Caymanian figure along side that so you can make the comparison).

| Course                       | Total Graduated | Caymanian Graduate |
|------------------------------|-----------------|--------------------|
| Professional Practice Course | 3               | 1                  |
| Full-time LLB Honours Degree | 15              | 9 (60%)            |
| Part-time LLB Honours Degree | 3               | 3                  |
| Diploma in Higher Education  | 1               | 1                  |
| Diploma in legal studies     | 1               | 1                  |

*\*So, the majority of those involved continues to be Caymanian. Thank you.*

**The Speaker:** The Third Elected Member for West Bay, a supplementary.

**Mr. John D. Jefferson, Jr.:** Before I ask my supplementary let me add my congratulations to those graduates. I did attend that graduation and I was very impressed with the graduating class and also the level of passes that those young people were able to achieve.

Of the graduating class of Caymanians, how many are in the civil service and in what department, and what has been done since graduation, to place those civil ser-

vants in positions in keeping with their new qualification as a law school graduate?

**The Speaker:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** Mr. Speaker, I don't know the precise answer to that, but I can find it out. I do know that one of the part-time degree graduates is employed in the finance portfolio and I would leave my colleague, the Third Official Member, to answer that question in relation to that person.

We are not a clearing agency for graduates, let me just explain. While I have stated my firm view that Caymanian graduates should be given preference and accommodated within the government legal service, there are certain constraints that operate against that and you have given me the opportunity of saying something about that so I am going to take it, Mr. Speaker.

It is my understanding (and this is based on the views of staff it is not my own invention) that the general level of remuneration for lawyers in the legal portfolio falls short of what is required to attract, and even if they are attracted, retain Caymanian lawyers. It is no secret that there is a minority of Caymanian lawyers within the government legal department. That situation in my view is not ideal.

It is my intention with the support of colleagues in government and in the House to review the salary scales for lawyers within government legal service with a view to revising them to levels commensurate to the status of professional lawyers, and to promote and maintain the continued recognition of the independent professional function fulfilled by the government legal service.

That includes, in my opinion, continuing to have the legal service answerable to the Governor not under the Public Service Commission's (PSC) supervision and not least because the government legal service gives legal advice to the PAC, but more because the function of the Attorney General as head of the government legal service is recognised as professionally independent under the Constitution. The best legal advice is given when it is given objectively and independently.

However, the government legal service, I hasten to add, is an important part of the public service and of public life. In my view, it deserves to be recognised for its professionalism, its objectivity, and its calibre. Those in the government legal service deserve to be rewarded accordingly. In that kind of climate, in my opinion, Caymanians and other lawyers will flourish.

Just because we cannot expect to compete, Mr. Speaker, with the highest levels offered by the private sector, it is not in my opinion an adequate reason for failing to reward at corresponding professional levels at a lower level. As I indicated I am not happy with the present imbalance in numbers of Caymanians within the government legal service but in order to do the job one has to have the appropriate tools, as I am sure members would recognise. Therefore, I believe it is also important that adequate accommodation be provided for those in the government legal service as well as other members

of the public service. We all know that people work better in good conditions and when they are fairly rewarded for their contribution.

So, I take the opportunity from this question of seeking the assistance of members, my colleagues in government and also colleagues in the House in order to try to create an improved climate for opportunities, for Caymanians primarily in the government legal service. I welcome the question and the supplementaries for the opportunity to state my position. Thank you.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I also want to thank the Honourable Second Official Member for his comments and I am aware that he is only responsible for legal affairs or the legal department. I wonder if the Honourable Second Official Member can say how many of the recent graduates from the Cayman Islands Law School, that is, the year 2000 are attached or employed by the legal department? What improvements have they benefited from since their recent law degree?

**The Speaker:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** The top award winner in the graduation ceremony, the First Class Degree graduate has committed to joining the government legal service. A place has been kept next year for that graduate so I am very pleased about that.

The second top graduate was on a part-time degree, an upper second class degree, and that person is already working as the Assistant Financial Secretary in the financial portfolio. Now that, sir, signals achievement in my view and therefore the top two graduates either are in or will be in government employment and I think we can be proud of that.

What I would say is it is my view that the entry level positions within the government legal service, that is, traditionally Crown Counsel II should really be reserved for Caymanians and if there is a queue of them . . . I don't have unlimited control over my budget but within my ability, I would like to say, and within the constraints of the budget that there should be a place for any Caymanian who wants to work within the government legal service on the numbers that I have seen. I think that across the portfolios there is room to engage the numbers that are presently emerging. I don't think that is unduly ambitious. I think it is already happening in the Ministry of Tourism, for example, there is a graduate. I see that as helpful.

I may say that we as a portfolio are quite prepared to offer articles to any graduate who wishes to take advantage of the government legal service.

Excuse me for mentioning, again, that it is limited by space and therefore we all have constraints within which we must operate, but I am hopeful that can be resolved. While I cannot give you a finite figure in relation to the remainder of the graduates I will put that answer in writing once I have it for you.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I guess for my information and the information of the rest of the House and the general public, I wonder if the honourable member can say what other steps have to be achieved by these graduates before they are fully recognised as qualified lawyers?

**The Speaker:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** The first part of the answer indicated, once you have graduated, you have the qualifications but you are not necessarily qualified to practice. Those who want to pursue a legal career are required to either do the Professional Practice Course which we offer here or to go overseas and qualify there. It is quite up to the individual concerned as to how they do this.

If they go, for example, to the United Kingdom and qualify as a barrister, you can come back here and practice straight away. Alternatively, if you do the Professional Practice Course, you have to do a period of articles to get the practical experience. There is some slight imbalance between those two that could do with being ironed out to create a level playing field. But it is a substantial commitment. The degree is only part of it as I am sure members will understand. That's largely the theoretical side of it; there is the practical side of it as well. We have a fused profession here so a person can train either as a solicitor or as a barrister, you have that choice—particularly if they go overseas.

I think that the main challenge is to counter the obvious attractions and I am talking about from the public service standpoint although I appreciate your questions not just related to that. But I think there should be a good climate for young Caymanian graduates and a clear set of opportunities for them to develop their skills and to enter into life within professional practice, if that indeed is their choice.

Having said that, a law degree is a good qualification for many things even if you don't practise law. I have no difficulty in supporting law graduates in doing other things than practising law.

I am particularly concerned about the government legal service because I think it deserves to be strengthened. It deserves to be re-enforced with a higher component of Caymanians and I believe that one way although not the only way to do that is to try to ensure that the initial salaries are competitive and remain competitive to a reasonable degree. The public service will never compete on absolute terms with the private sector but there is no reason for it to lag seriously behind.

If I may say so, I don't want to be elitist about it, but I think it is important to offer young Caymanians a professional career in company with other professionals. That is no different from any other profession, be it teaching or the medical profession or professions in banking and so on. My own views are that we should create a centre of excellence here in the Cayman Is-

lands. There are a great number of laws, we who are lawmakers know and I believe that there is a potential to do that with the resources that are available.

I don't wish to expand on this unless you wish me to but I do think with the size of Bar (Caymanian Bar Association) that presently exists in the Cayman Islands there is a pool of talent which should be developed for the general benefit of the islands. Mr. Speaker, thank you.

**The Speaker:** The Third Elected Member for West Bay, two additional supplementaries.

**Mr. John D. Jefferson, Jr.:** I appreciate your patience with me. This is the first and only question I have had all day. It is very important I get the information I am looking for.

To the Second Official Member, I am aware that two or three of the recent graduates are employed at the courts office. I wonder if you know . . . I guess I will have to direct my question to the Temporary Acting First Official Member. What is being done with regards to those two young ladies now? I think one was the Clerk of the Courts and the other one was, I think, an assistant.

What is being done with regards to ensuring that these young ladies are in a position where they complete their training and qualification, first of all? What positions are available for them within the courts office in keeping with their recent qualification?

**The Speaker:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** Although the question is directed to the First Official Member, I have some information I can offer. One of the graduates to which reference has been made I believe is in a training arrangement within the judiciary which will be the subject of certification, the equivalent of articles. I cannot answer for the other but I can find out and let the honourable member know.

**The Speaker:** The Honourable Temporary Acting First Official Member, do you care to delegate him to answer the balance of the question?

The Honourable Second Official Member.

**Hon. David F. Ballantyne:** If the First Official Member has information that would be helpful. I don't believe he has from what has been indicated.

What I do know as a matter of fact is on the basis of the information I have given is that there are no Caymanian graduates who are not able to find positions. Whether they are the most suitable positions for them and whether everything is being done that could be done, I could not say.

On the other hand, I can answer for what happens within my own portfolio and that is full training will be given to those joining that portfolio by allocating persons to work with experienced legal practitioners across the whole range of work that we engage in so that by the

end of that time the person should be suitably qualified in those areas.

It may be that we have to accept that some people will stay for a time and move on. I don't regard that as a loss, it is a net gain to the country and I believe that it is a valuable experience. I don't think that we should allow that to deflect us from the aim of offering long term careers within the government legal service to those who have the ability and the desire to pursue such careers. Not everyone wants to work in the public service and that is fair enough however there are some who do. And, the two graduates to whom I have made reference are examples of that and I think they should be applauded as I said at the graduation ceremony. Thank you.

#### HOUR OF INTERRUPTION—4.30 PM

**The Speaker:** Before taking a further supplementary we have reached the hour of interruption. I would appreciate either a motion for adjournment or a continuation.

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I move the adjournment until Monday at 10.00 AM.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, I am not finished with my questions!

**Mr. W. McKeeva Bush:** I am sorry, Mr. Speaker, I thought he had finished.

**The Speaker:** Well, either an adjournment or a suspension.

#### SUSPENSION OF STANDING ORDER 10(2)

**Mr. W. McKeeva Bush:** Let's finish the question and then move the adjournment. I move the relevant standing order to give the member the opportunity to finish his question and I further move for the adjournment after that.

**Mr. John D. Jefferson, Jr.:** I will second that, Mr. Speaker.

**The Speaker:** A motion has been moved by the First Elected Member for West Bay and seconded by the Third Elected Member for West Bay that the House adjourns after one additional supplementary.

**Mr. W. McKeeva Bush:** Mr. Speaker, we will finish the questions and then adjourn, that is the motion.

**Mr. Roy Boddén [Interjection]** — No, we have too much legislation. We're not rushing this thing. Besides we're getting paid until the 26<sup>th</sup>. We are working until the 26<sup>th</sup>.

**The Speaker:** Tell me exactly what your motion says.

**Mr. W. McKeeva Bush:** Mr. Speaker, when you called for the motion I said that we would finish the question now and take the other question . . . I did not realise there was another one. Finish questions and then adjourn.

**The Speaker:** Excluding the rest of the business on the Order Paper> Am I understanding correctly?

**Mr. W. McKeeva Bush:** Yes sir.

**Mr. John D. Jefferson, Jr.:** I second that, Mr. Speaker.

**The Speaker:** The motion has been moved and seconded that the House will continue beyond 4.30 PM. until all questions on the Order Paper have been completed.

I shall now put the question. Those in favour please say Aye. Those against, No.

**AYES.**

*[Members' inaudible interjections]*

**The Speaker:** The Ayes have it. We will continue with supplementary questions.

**AGREED: STANDING ORDER 10(2) SUSPENDED.**

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, taking into consideration my interest in qualifying Caymanians—this question is probably directed at the Acting First Official Member, the Deputy Chief Secretary. I must add those graduates that I saw—

**The Speaker:** Let me remind you, your question is directed to the Honourable Second Official Member if he cares to delegate someone to help him with the answer it is okay but you must direct it to the Second Official Member.

**Mr. John D. Jefferson, Jr.:** Okay, sir, I don't have a problem with that.

The question is then to the Second Official Member—whether or not there is any long term plan with regards to accommodating these young lawyers within the civil service—not necessarily in the Legal Department, or the Courts Office, but there are other positions within the service that these officers could serve. I wonder if the Second Official Member could say what long-term plans exist in the civil service with regard to accommodating these young lawyers? I must add that those persons that I saw graduating in July of this year are basically all long-term serving civil servants. I don't think there is any real ambition on their part with regard to skipping town and going in to the private sector if they can be accommodated within the service at a level that is in keeping with their qualification as a recently qualified lawyer.

**The Speaker:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** Mr. Speaker, as you might expect, since I am a lawyer I am slightly biased. What I would say is that whether or not the government can accommodate the graduates depends just as much on whether the graduates want to be accommodated. I am not aware that they are queuing up to join the government legal service.

*[Inaudible Members' interjections]*

**Hon. David F. Ballantyne:** While I think you hit it right on the head when you say that's because of the pay, I have heard different views about this.

I have heard, for example, that the entry-level salary is reasonably competitive but I know for a fact that once you get a little bit further on, it is uncompetitive. If you were a young person emerging from Law school—and I am still at an age where I can remember when I did that (chuckles)—you look around and you try to gage what your opportunities are. While young people are probably a little bit more adventurous, they are not stupid and they are not going to embark on a career that peters out, as far as the money is concerned in comparison with the benefits to be offered in the private sector.

So, in answer to your question, I believe, and this is my personal view, I am not stating government policy. I don't think that there should be a manpower plan for the public service that in relation to legal services should identify the potential for use of legally qualified persons within the government legal service. That is not just employing them as lawyers although there is a lot of legal work around. Most of that is concentrated in my own portfolio, but there are areas where the Financial Secretary's portfolio and mine overlap, for example, money laundering. There are growing areas in the regulatory field where lawyers have significant potential. But I think it requires a degree of forward planning and it requires a proper assessment of what suitable levels of reward are before you can interest people and persuade them that you have got something worthwhile on offer.

From that perspective I would have to say that on the evidence that is presently there, the attractions, once you get over the initial phase, do not appear to be sufficient either in terms of salary, or adequacy of accommodation or the other factors to compete effectively with the private sector. The vast majority of graduates naturally will go into the private sector.

However, I don't think that that is a reason for being complacent and doing nothing. I think it is every reason for examining what we do have to offer and I do intend to do that because I don't intend to allow good people to go somewhere else if they can be brought into the government legal service. The whole point is to establish a professional team of competent, qualified lawyers that are second to none and that can compete effectively, at least, professionally with the private sector.

That is what this is about as far as I am concerned, and with that in mind it, hopefully with all the necessary

infrastructure will become more attractive for Caymanians. It is not just a case of offering places. Those places have got to be places where Caymanians want to be and places where they are going to strive and grow professionally. I don't see the evidence of significant career opportunities at the present time although I believe that the potential for them is there.

So, I would support moves to make these professional opportunities more attractive to Caymanians and the evidence will be that once the conditions are right that Caymanians will be more attracted. The majority of Cayman graduates will still probably end up in the private sector. That is what you would expect. The majority of people are not in government service in employment in the islands. On the other hand I think there is plenty opportunity and there is scope for greater opportunity across the board of the government as well as the legal service. I do, however, mean to attract the best lawyers into the government legal service so I am putting everyone on notice that our terms will be as good as I can make them.

**The Speaker:** This is the final supplementary.  
The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Since this is the last one, I am going to be very specific—the courts office. We have two or three recent graduates—the Clerk, the Deputy Clerk, and there is a young lady there from West Bay who is a long-term civil servant. The position she is in now she occupied prior to receiving her qualifications. If you don't know the information to be able to give it to me orally, I would like it in writing.

I would like to know what is planned within the Courts Office with regard to those three young ladies, recognising their recent qualifications as lawyers.

**The Speaker:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** I can only give a general answer in that I am aware that one of those persons, if three there be, is in receipt of appropriate training. My view is that training within the courts office is a grounding. My own personal view is that if those young person(s) wish to become qualified to undertake professional practice they should do so within a practitioner's office and they should have the opportunity, at least.

I don't wish to appear to be poaching them from the courts office but they should have the opportunity of spending time within the government legal office as well as within the courts office. It is very much dependent on what the persons in these positions want to do.

The main way of developing, at present, within this jurisdiction is to work along side experienced practitioners, to go to court with them to follow the way in which they carry out their work and to learn by following what they do. We will come to continuing legal education. I have spoken about this before. We do have people who are capable of developing continuing legal education, but the practical experience within a practitioner's office, in

my opinion, is an essential part of the grounding of the training of a lawyer.

So, in answer to the question, I would not wish to see the sites of young people confined to any particular office, be it the courts office or any other. I think they should get the best all round training that the government legal service can offer and if that means rotating them through legal departments or other areas of my portfolio, I am quite happy to undertake that.

If the member wishes detailed information in relation to the three individuals, if there are three, I will undertake to obtain that from the Chief Justice and forward it to him.

**The Speaker:** Moving on now to question number 81—

**Mr. W. McKeeva Bush:** Mr. Speaker, I had one supplementary if you would allow, sir.

**The Speaker:** We could go on until midnight, you know.

I will allow one supplementary. The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Thank you, sir. I know you know I am not going to carry on until midnight.

I would just like to find out from the Honourable Attorney General and the Second Official Member whether his department would be prepared to accommodate a request for those in the courts who recently graduated to be attached to that office?

**The Speaker:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** Mr. Speaker, I thought that was what I just said, but if it was not clear let me make it abundantly clear. I am saying that to be properly qualified you are required to work with practitioners, and within the courts office you are *seeing* practitioners, but you are not necessarily *working* with them.

To work as a Clerk of the Court is a good grounding, and if I may say a *grounding*. There are other aspects. You need to know what is involved in prosecution. You need to know what is involved in the defence if you want to get an understanding of how practice goes. We can offer prosecution work which is unusual—most private firms around cannot do that.

Yes, I would be prepared to, subject to the constraints that I mentioned . . . if you will do something about my constraints I will do something about the accommodation of more graduates.

**Mr. W. McKeeva Bush:** Mr. Speaker, I understand the member to be saying that I should do something about his constraints. Maybe he can tell the House what his constraints are. I don't sit on Executive Council so I don't know.

**Hon. David F. Ballantyne:** Mr. Speaker, I was being a bit humorous, but it may not always come across like that. I did mention financial constraints in terms of salary

and accommodation constraints. I am well aware of where I have to take these issues up.

I do trust that those persons who are on Finance Committee—which I am not—will look favourably on these issues when they come in front of them. To be serious it is an important matter. I am willing that the legal portfolio should play its part subject probably to some kind of rota because I don't think we could accommodate everybody at once. But I am sure that we can make a contribution. Thank you.

**The Speaker:** Moving on to question number 81 standing in the name of the Third Elected Member for Bodden Town.

### QUESTION 81

**NO. 81: Mr. Roy Bodden** asked the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs to provide the names of the most recent recipients of the grant of Caymanian Status as given by Executive Council.

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** A total of four persons were granted Caymanian status by the Governor-in-Council on 18 July 2000.

| Name              | Occupation      | Nationality | Residence |
|-------------------|-----------------|-------------|-----------|
| Ryan Bovell       | Police Officer  | Barbadian   | 5 years   |
| Steve C. Gordon   | Prison Officer  | Jamaican    | 6 years   |
| Carley B. James   | Prison Officer  | Jamaican    | 9 years   |
| Kenute G. Tulloch | Autobody Repair | Jamaican    | 8 years   |

### SUPPLEMENTARIES

**The Speaker:** Supplementary, the Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable member tell the House what is the criterion use for the award of status to these persons and also why when these awards were made was it not made public?

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, the awards were made as a result of the government's view that they would contribute to the development of sports in this case cricket by virtue of allowing local or Caymanian cricketers to compete competitively at a level that they would not have been otherwise able to so compete.

With regards to the second part of the question it is my recollection that while no announcement was made at the time of the grant there was certainly information provided to the local media shortly thereafter, which while it did not provide the names of the individuals, it

provided information in terms of their profession, length of time on the island and nationality and Caymanian connection where relevant. So, that information to my recollection was provided a couple of weeks after the actual grant.

**The Speaker:** Supplementary. The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the honourable member say if the House is now to understand and to come to the conclusion that athletes and those possessing certain athletic prowess are likely to be favoured among the applicants for a grant of Caymanian status to the exclusion of all others including those capable of providing and contributing to the economic and social well-being of the society?

**The Speaker:** The Honourable Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** No, Mr. Speaker, I would hope that the House does not come to that conclusion because I think the government felt that the granting of status to those four individuals would not mean the exclusion of consideration of anyone else or any other group of individuals.

The government is fully cognisant of the issues related in particular to persons who have been here for a long time and who would seek to have some stability to their terms of residence. That is an issue that the government is committed to continuing to pursue.

**The Speaker:** Are there any further supplementaries? No further supplementaries. We will move on to question number 82 standing in the name of the Third Elected Member for George Town.

### QUESTION 82

**NO. 82: Mr. Linford A. Pierson** asked the Honourable Minister responsible for Education, Aviation and Planning to state when the new Civic Centre/Hurricane Shelter located next to the Community College will be officially opened and available for use as a hurricane shelter.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The Certificate of Occupancy for the new Civic Centre/Hurricane Shelter was issued 5 September 2000 and the facility was toured last week by members of the Social Services and Public Works Departments. The supplies which are needed to operate the hurricane shelter will be in place by the end of this month. The Civic Centre/Hurricane Shelter will be officially opened on 11 October 2000.

### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I wonder if the honourable minister is in a position to give an indication of the hurricane standards to which the centre is built, whether it is force 4 or 5, whatever?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** It would be up to the hurricane standards under the southern building code of the U.S., which I believe are between 135–150 miles per hour winds.

**The Speaker:** No further supplementaries. Moving on to question number 83 standing in the name of the Third Elected Member for George Town.

### QUESTION 83

**NO. 83: Mr. Linford A. Pierson** asked the Honourable Third Official Member responsible for Finance and Economic Development to state- (a) The most recent figures on the Gross Domestic Product (GDP) of the Cayman Islands and how it is calculated; (b) The per capita income of the Cayman Islands and how it is calculated; and (c) What percentage of Gross Domestic Product is regarded as transient and the reasons why.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** (a) The most recent figure on the Gross Domestic Product (GDP) is for 1997. This figure was CI\$1,072.7 million.

Honourable members should note that a GDP survey has not been conducted since 1998 as the staff of the Statistics Office have concentrated their efforts on the conduct of the 1999 Census of Population and Housing.

Now, the second part of the question dealing with the method of calculation: Following international practice, the GDP is calculated using the value-added approach. "Value-added" is calculated for each industry as the difference between the value of gross output at market prices and intermediate consumption.

For members' information, gross output is the total revenue from the sale of goods or services, while intermediate consumption is the expenditure on wages, goods and services. Further technical explanations on the measurement of the GDP for each industry may be provided in writing to any honourable member, if required.

(b) The per capita income of the Cayman Islands is calculated by dividing the current price estimate of GDP by the mid-year population. For 1997, this figure was: \$1,072.2 million ÷ 35,900 = CI\$29,880.

(c) The information collected on the National Income Survey does not, at present, allow the Statistics Office to

make a calculation on how much of the GDP is considered "transient."

In order to do this, the term "transient" would first of all need to be defined. Once this has been decided upon, then the Statistics Office would have to tailor its survey so that the necessary information can be collected.

In terms of defining transient this would mean whether a person would be considered to be transient one to five years or one to ten years. So, this is a matter that needs to be dealt with.

### SUPPLEMENTARIES

**The Speaker:** Supplementaries. The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Mr. Speaker, this is my first supplementary on the question of transient. I wonder if the honourable member could say that in the interest of clarifying the same question of transient whether he would be willing to ask his statistician to look into this matter further so that it could be understood more clearly what the GDP means to Cayman. And, that the figure of \$29,880 given for 1997 might apply only to a very small proportion of the population which is usually referred to as that transient proportion.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** The Honourable Third Elected Member for George Town is quite correct in that the average that we have here is not reflective of the average income by the society as a whole. This follows a private member's motion that was dealt with here quite recently or ties in very much with it. This is an area that will have to be looked into.

Mr. Speaker, I would be quite willing to invite the statistician to have a look at this area. This is a matter that will also be followed up by the economic division as well because we will have to work out the per capita income for the indigenous sector in order to get a true sense in terms of what the average income to a Caymanian or a resident really is. This is a matter that I will be quite willing to follow up

I should mention for the benefit of the Third Elected Member for George Town that the statistician is presently on vacation at this time. So, between the Deputy Financial Secretary and myself, we will try our best to respond to your supplementaries.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Just to enquire whether or not the honourable member is aware of when the figures on the most recent per capita income will be available. I noticed that the latest figures we have here is for 1997, if he can give an indication of when we can expect a next update on this.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I have been made to understand that an update will be done early next year on the GDP. Did I understand the honourable member to also ask the question on the population census?

**Mr. Linford A. Pierson:** [*Inaudible comment*]

**Hon. George A. McCarthy:** Oh, I see. That will be completed in October but I have preliminary figures that I would be quite willing to share with the honourable member.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I thank the Honourable Third Official Member for offering to provide that information.

I wonder also if he would be kind enough to provide the technical explanation that he referred to in the answer on the measurement of the GDP for each industry in writing.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Yes, Mr. Speaker, I am quite willing to give that undertaking.

**The Speaker:** Are there any further supplementaries?

No further supplementaries? We will move to our last question, question number 84 standing in the name of the Third Elected Member for George Town but I will require suspension of Standing Order 23(6).

The Honourable Minister for Education, Aviation and Planning.

#### SUSPENSION OF STANDING ORDER 23(6)

**Hon. Truman M. Boddin:** I move the suspension of Standing Order 23(6) for this question to be taken.

**The Speaker:** I put the question that Standing Order 23(6) be suspended. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. Standing Order 23(6) has been suspended.

**AGREED: STANDING ORDER 23(6) SUSPENDED.**

**The Speaker:** The Third Elected Member for George Town, question number 84.

#### QUESTION 84

**NO. 84: Mr. Linford A. Pierson** asked the Honourable Third Official Member responsible for Finance and Eco-

nomie Development to state what progress has been made in regards to the appointment of a government "Think Tank" Committee.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** The appointment of this Committee is under active consideration by the government at this time.

#### SUPPLEMENTARIES

**The Speaker:** Supplementaries, the Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I wonder if the honourable member is in a position to say when he expects that this matter will be approved, the matter that is now before Executive Council and if he can also give an indication of the terms of reference of the Committee.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** The government is reviewing this matter very carefully and it is quite likely that a decision will be taken quite soon.

I cannot give a specific date because as the honourable member is aware there are quite a number of issues that Executive Council is dealing with at this time and this is very high on the agenda.

The terms of reference, as was initially set out, was for the committee to review methods of raising and enhancing revenue flows to government particularly with an emphasis on flows generated from activities within our financial industry.

This was not set out as the specific terms of reference. This was to give an indication in terms of the direction in which the committee would be going because it was intended that as soon as the approval is granted for the setting up of the committee, one of its first tasks would be the development of a comprehensive terms of reference. It is generally felt that where participation is allowed in any given activity it will be much better in terms of having those persons buying into the process and coming up with a terms of reference that will be more meaningful and acceptable to everyone.

**The Speaker:** Are there any further supplementaries?

If not, That concludes Question Time.

In accordance with the motion that was made a few minutes ago, the House shall now adjourn, but I need a time for the next meeting.

The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, I think it is 10.00 AM. Monday morning.

#### ADJOURNMENT



**The Speaker:** The question is that this honourable House do now adjourn until 10.00 AM. Monday, 18 September, 2000. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The honourable House stands adjourned until 10.00 AM Monday.

**AT 5.13 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 18 SEPTEMBER 2000.**

**EDITED  
MONDAY  
18 SEPTEMBER 2000  
10.28 AM**

*[Prayers read by the Third Elected Member for Bodden Town]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

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

**APOLOGIES**

**The Speaker:** I have received apologies from the Honourable Second Official Member who will be arriving later this morning. The Fourth Elected Member for West Bay is sick.

Moving on to item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question number 85 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 85**

**No. 85: Mr. D. Kurt Tibbetts** asked the Honourable Third Official Member responsible for Finance and Economic Development how many new employees are expected to be hired by the Cayman Islands Monetary Authority within the next year.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, it is not possible at this stage to be precise as to how many staff may be employed by the Cayman Islands Monetary Authority within the next year.

However, detailed manpower plans are currently being formalised by the Authority's management for consideration by the Authority's board. The board meets on Saturday, 23 September 2000, to consider this matter.

**SUPPLEMENTARIES**

**The Speaker:** Supplementaries. The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Understanding that it might not be possible to be precise, is the honourable member in a

position to give some kind of indication with rounded figures as to what this amount may be?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I will explain why it is not possible to be precise at this time nor to give an indication by way of rounded figures. At the last meeting of the Board of Directors of the Cayman Islands Monetary Authority, there were several suggestions that a minimum staff complement of 100 would be required for it to carry out its duties with the degree of effectiveness that is being sought.

The board felt it was useful to invite the managing director of the Monetary Authority to get his heads of department together and to develop a manpower plan, looking at the various sections to be comprised under the Monetary Authority: looking at the present staff complement; looking at the additional work load that would be imposed in terms of new requirements and making a presentation of that at the next board meeting. Preliminary figures have been given, but those figures are not backed up by a narrative. There is nothing to suggest why there is a movement from X to Y, therefore, on Saturday this presentation will be made to the board, which will at that time carefully consider the numbers that are being presented.

The present staff complement of the Monetary Authority is 65. The established complement is 75. We have to be very careful in terms of a vast influx into the Monetary Authority. Yet, at the same time we have to make sure that there are sufficient persons in place to carry out the duties and responsibilities as will be expected of the Monetary Authority to be regarded as an effective organisation.

At the same time, it does not mean that it has to be packed with people from one end to the next because in places where other regulatory institutions exist, in addition to the operating staff complement, we know that they have been observing practices such as reporting accountant, where they contract out certain aspects of the work to be done. It is a matter that will have to be looked at. It is not one where the Monetary Authority should be short-changed, but at the same time it requires a proper manpower survey to be done demonstrating to the board the need for all personnel that should be brought on board. And a time frame developed as to when these individuals should be brought in.

More importantly, because of the fact that the Monetary Authority is now paying salary equivalent to what the private sector is now paying, every effort will be made in the first instance to try and recruit qualified Caymanians

and to train them to do the job rather than bringing in 30 to 50 [persons] from overseas at this time.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, it is very heartening to hear the position taken by the Honourable Third Official Member with regard to identifying and training locals to fill whatever post might be deemed necessary to be filled.

Can the honourable member now state if it is a fact that advertisements were put forward in foreign periodicals saying that there were 100 posts to be filled for the Cayman Islands Monetary Authority? To be correct, seeking applications for that many posts.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I am not sure if the number of 100 was given but I am aware that this was brought up by the managing director at the last meeting that we had. The decision was taken that those advertisements should be pulled back until this manpower survey had been completed. That is the route in which the board is going.

It is likely that at the end of the day there will have to be a mixture between Caymanians and people brought in on short term contracts but the route that will be taken I explained much earlier whereby we will be advertising in the first instance in our local papers. We will allow sufficient time to enable qualified Caymanians to apply and to be interviewed; for us to see how we can go about training, and then we take a decision in terms of how we are going to supplement the number. If it is a question that it exceeds the capacity or the number of persons that are available locally then we will make a determination in terms of how we are going to recruit from outside, in what numbers and over what period of time.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the honourable member state, understanding that he does not at this point in time know an exact figure of what new employees need to be hired at the Monetary Authority? It may seem to be an opinion, but nevertheless I will ask. Can he state whether or not any idea has been thrown about with regards to what impact this may have on the cost of operating the Cayman Islands Monetary Authority? Is there any idea how this plan is to be recouped?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** That is a very good question. At this time if the Monetary Authority decides that it is going to increase its staff complement, let's say from the present level of 65—or there is an established complement of 75 with 65 positions being filled—or for ex-

ample that the staff complement should be increased up to 90 or probably above, preliminary figures suggest that the staff complement could exceed the number of 100. But as I said, this will have to be [looked] at thoroughly for the decision to be made as to what the exact staff complement of Monetary Authority should be. If it is, going to 110 or thereabouts this would have a significant impact on the operating cost of the Monetary Authority.

Mr. Speaker, if you will allow me a minute. [Pause] The actual expenditure for 1999 was \$4.2 million, for the year 2000 what has been budgeted is approximately \$4.7 million. I have been made to understand recently from the general manager of the Monetary Authority that some additional funds will be needed in order to cover its expenditure needs through the end of the year.

So, it is safe to say that costs for the year 2000 will be \$5 million or thereabouts. If we are going to increase staff members by an additional 50%, it does not necessarily mean that there will have to be a 50% additional cost, but at least we are looking at a significant sum quite likely in the region of \$1.5 million to \$2 million. In addition to that, we have to be looking at capital cost because we will have to outfit offices. We are looking at medical, pensions and all of these costs. It will be very, very significant. This does not mean that we will adjust fees to attempt to recoup that. This does not necessarily mean this is going to be the route.

For the year 2000, the fees from the Monetary Authority are expected to be in the region of approximately \$16.1 million. In terms of contribution from investments of currency assets it is expected that another \$1.8 million will be contributed so therefore we are looking at approximately \$18 million from the Monetary Authority. At the same time, we have to look very carefully at the cost; we cannot use that as a basis of not providing an able regulatory regime because we know that is required. We have to subscribe to international standards. The competence must in place but at the same time the manpower requirements will have to be looked at very carefully so that we are brought up to capacity, and that we know we are at capacity and we don't exceed capacity.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** The Honourable Third Official Member just mentioned about international standards and requirements and having to meet these—which obviously is where the call is coming from for additional staff. Could the honourable member state if this situation is one that was known by the powers that be, prior to being told by some international bodies—obviously where these standards are set? Or whether the situation is one that the government only became aware of it when someone else advised them that the Monetary Authority was not operating to the standards that are expected?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** The First Elected Member for George Town will be aware that in 1997 the Cayman Islands were reviewed by the Caribbean Financial Action Task Force (CFATF). We were found to be in compliance with the standards that were set at that time—the Financial Action Task Force (FATF) 40 recommendations and the 19 recommendations of the CFATF. The only area in which a specific recommendation was made and not acted upon, was where there was a need to legislate a time period for which financial records should be kept. It was always understood (this was a given) that financial institutions in order to meet their fiduciary obligations would be required to maintain financial records.

Now, the member is also aware that the 25 criteria that have been developed by the FATF against which the Cayman Islands and other countries have been assessed—these have been extensions or extrapolations out of the 40 recommendations to tighten certain aspects of those. So, these were add-ons as such.

When the Cayman Islands were reviewed we were told that there were certain areas that needed to be remedied. At the same time we were complimented as being the leader in the region in terms of our anti-money laundering framework and the initiative by the government to integrate various departments. At one time we had a Banks and Trust section, Companies Management Section, Insurance section and we brought all of those together under the framework of the Financial Services Supervision Department and moving from there to the Monetary Authority. All of this took place within a relatively short period and all of this was recognised in terms of major accomplishments by the government.

So, when we look in terms of the deficiencies that have been identified by the FATF although we are now addressing those, it is quite unfortunate that the Cayman Islands found itself in a position where it had to be listed unfavourably by the FATF. There are certain aspects of it, in my opinion, could have been dealt with quite differently in that if these 25 criteria have been developed as extrapolation of existing standards, countries should be given time in order to remedy whatever deficiencies that would be emerging under these standards.

What is quite interesting is that the Cayman Islands and other countries are now being asked to put in place certain requirements that will put us beyond what exists in on-shore countries. This is a matter that will have to be looked at very carefully in terms of what we are doing with the Monetary Authority.

Our financial industry is one of the significant pillars of our economy. Our government, neither present nor past, has ever taken any action in order to remove legitimate business from the Cayman Islands. What we don't want to do at this point in time is to develop an excessive onerous framework that will put us in a position where businesses find that it is not economical to operate within the Cayman Islands.

So, this will have to be looked at very carefully. It is not a question that the powers that be knew that deficiencies existed. We are aware that there was always the issue in terms of the independence of the Monetary

Authority. It has been explained to this honourable House that there is a need to look carefully at the framework that will achieve the level of accountability because the Monetary Authority like any statutory organisation cannot be off on its own operating without any form of accountability to central government. There has to be policy framework to achieve this and this needs to be developed and we are well on the way to achieving this.

So, it is not a question that we are coming from, what I would call, a point of deficiency where we have to remedy a lot of things that should be in place. All of this, in terms of the announcement that has been made by the FATF, this explains quite clearly the position of the Cayman Islands.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I am asking the honourable member if the meeting which he mentions in the substantive answer which is to take place this Saturday, the 23<sup>rd</sup> of September, if this represents the first time Monetary Authority Board has given any consideration to an increase in the staff complement? Also, if this meeting will be limited to dealing with staff matters or if at this time there will be any articulation of the strategic assessment of the way forward of the Monetary Authority when it achieves the staff complement?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** It is not the first time, but I should say for the benefit of the Third Elected Member from Bodden Town, in looking at staffing issues various segments of the Monetary Authority have been looked at from time to time. For example, a recent decision occurred simultaneously with the emergence of the FATF review of the Cayman Islands—but this was in train prior to that. A recommendation was made by the Board to establish what is called a Fiduciary Services Division. This meant rather than having Trust and Banking Division, working together as presently obtains, that there was a need to bring the Trust Section and the Companies Management Section together under the umbrella of the Fiduciary Services Division of the Monetary Authority.

Emerging out of the recent legislation that was introduced, a decision was also taken to establish what is called an enforcement section within the Monetary Authority. It should be borne in mind that this is to strengthen areas of the Monetary Authority dealing with on-site inspection and also to look very carefully at entities presently being supervised by the Monetary Authority that could pose certain problems in the future, and to stay on top of this.

So, in terms of the strategic direction of the Monetary Authority, this is one that will have to be kept under constant review. It is not new in terms of what has been done, because looking at what the staff complement was in 1999 and seeing what it has moved to in 2000, it is quite evident that the staffing element of the Monetary

Authority and what is necessary in order to strengthen the regulatory framework will always be under review. But this Saturday especially, given the likely increase that will be occurring in the future in terms of whether it is going to be an additional 15 - 30 staff members, the greater portion of the meeting of the Monetary Authority will be dedicated to looking at the operational plan; looking at the various sections that are being proposed to be under the umbrella of the operating structure of the Monetary Authority; to hear what the recommendations are of the managing director together with the heads of sections.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Given the urgency of extending the staff complement, can the honourable member say what consideration will be given to (a) ensuring that those Caymanians currently at the Monetary Authority will have every chance and upward mobility into senior positions of administration and enforcement, and (b) how does the Monetary Authority plan to encourage, and from where do they see the next set of young Caymanians coming from?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I will have to thank the Third Elected Member for Bodden Town for those questions.

It must be borne in mind at all times that in addition to qualifications, experience is very important. The member may have been aware that quite recently there have been promotions of quite a number of Caymanians into very senior positions—the head of banking, the head of investment services. There is one section where a person with very close Caymanian connection has been identified and will be taking over that role and also there have been quite a number of promotions.

In addition to that, as the member will appreciate, it will be somewhat difficult to have all of these persons sent overseas for their training to be supplemented in terms of getting the necessary regulatory expertise. What needs to take place—this has been done in the past and will continue to be done—is to bring in the necessary expertise from overseas, if needs be, to provide training for the staff that we have on board at this time. And, also under the manpower development plan that will be considered at the board meeting on Saturday, persons that are coming into the Monetary Authority will have to be acquainted with the career path and opportunities that exist.

Obviously, if we want to bring them up to speed to be able to go into financial institutions, to look at records carefully, to be satisfied that anti-money laundering requirements are being observed, these individuals will have to be brought up to the same standard as their counterparts in the financial industry and probably to a higher standard.

Every effort will be made to achieve that and that is one of the areas that will have to be looked at to make sure that we have very competent and able staff in place, and we do at this time. I am proud to say that we have some very competent and able Caymanians on staff within the Monetary Authority.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Given the necessity for such a high level of acquiring expertise in this kind of training, can the honourable member tell the House whether any arrangements are made with any of the relevant international authorities from which such training can be acquired for some form of secondment and assistance in this training of Caymanians? Or whether the training is exclusively being undertaken by the Monetary Authority and by inference the Cayman Islands government at their own expense?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** At this time we have training taking place at various levels. First of all, we have the regional level—the Caribbean Bankers' Association.

We also have training that is provided by the Federal Reserve Board in the United States.

In the past we have had attachments to the Bank of England. We know that the regulatory activities have been taken over by the Financial Services Authority in the United Kingdom. We will continue to draw on the expertise and the training opportunities that are available. But in order to develop the technical skills that are required, it will be necessary to bring in expertise from overseas in order to conduct on-the-job training probably making arrangements with the Community College for the conference room to be made available over a fortnight or probably a longer period of time.

These are recommendations that will be made at the board meeting and hopefully quite a number of useful recommendations will be coming from management because the staffing element is only one component of it. Bringing those persons up to speed will have to be a very important aspect of the recommendations to be considered.

So, there will have to be a marriage in terms of continuing to have persons attached to overseas institutions where training opportunities are offered and bringing individuals from overseas in order to provide training in mass on the ground. Also, wherever the opportunity exists, let's say, even among existing staff members themselves—because we have good expertise within the Monetary Authority that can provide training for new staff members that are coming on board.

On the aspect of training, it is quite evident from what has been done so far the arrangements that we have benefited from. And obviously in terms of the large number that will be coming on board, there has to be a programme developed in order to ensure that these indi-

viduals are trained to the required level of expertise in order for them to be effective in discharging their duties.

**The Speaker:** Before asking the next supplementary I would appreciate a motion for the suspension of Standing Order 23(7) and (8) in order that Question Time can continue beyond 11.00 AM.

The Honourable Minister for Education, Aviation and Planning.

### **SUSPENSION OF STANDING ORDER 23 (7) AND (8)**

**Hon. Truman M. Boddan:** Mr. Speaker, I so move, sir.

**The Speaker:** The question is a motion has been made to suspend Standing Order 23(7) and (8) in order to allow Question Time to continue beyond the hour of 11.00 AM. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. Question Time continuing.

### **AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO CONTINUE BEYOND THE HOUR OF 11.00 AM.**

**The Speaker:** The Third Elected Member for Bodden Town, supplementary.

**Mr. Roy Boddan:** Can the honourable member say when this training and expansion have been accomplished, how will this enhance the functions of the Monetary Authority and what then are the plans to inform the relevant agencies which have to deal and be regulated by the Monetary Authority? What programme or public relations exercise will be carried out to inform them as to this enhanced and probably changing role and function of the Monetary Authority?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I will deal with the last question posed by the Third Elected Member for Bodden Town, first.

The managing director and heads of sections within the Monetary Authority are continually making presentations to the local financial industry and also making presentations overseas as well. At this time, the managing director and the head of banking are at the Basel committee meeting in Switzerland.

It is quite obvious that discussions will be taking place in terms of what has been done by way of new legislation in the Cayman Islands, what are the existing requirements, and also sharing in terms of arrangements that are presently on the way in order to upgrade the operational aspects of the Monetary Authority.

The public relation side, as the honourable member has pointed out, is very important. What we will have to

do especially at this time is to make sure that we have a strategy that communicates very clearly what is taking place and also the rule of the Monetary Authority.

The Monetary Authority should not be viewed as a bloodhound out there trying to make life difficult or to become so intrusive that it becomes difficult to do business in the Cayman Islands. The Monetary Authority is a facilitator; it is an organisation that will have to be integrated with our financial industry to ensure that necessary regulatory standards are observed—international standards that the Cayman Islands have been subscribing to.

We know that the previous head of the Financial Services Supervision Department, Mrs. Jennifer Dilbert, was a part of the working party that developed the new Basel guidelines to which the Cayman Islands and other countries are being asked to observe those standards. We have the International Association of Insurance Supervisors, the Financial Action Task Force (FATF), the Caribbean Financial Action Task Force (CFATF) and all of these standards. The Cayman Islands will have to ensure that we are not deficient in these areas—we are able to operate to these standards. We should be able to put out, what I would call, our 'stall' to show the international community what we have in place and that we have the capacity.

We also have to work very closely with our financial industry because as was said earlier it does not necessarily mean bringing persons on board or permanent staff members. There could be ways of achieving the same results in terms of ensuring that financial institutions are properly supervised. This could be done by a blending of arrangements yet to be explored, probably by way of permanent staff. Also, by following the practices of certain overseas regulatory organisations we know have been using reporting accountants where there is a need for certain work activities to be carried out and where they will engage the auditors, let's say, banks, insurance companies, mutual funds organisations to expand their review into certain areas and to submit such reports to the Monetary Authority.

The public relations part of it will have to be ongoing so that it is very clear exactly what we will be doing. We will have to look in terms of the cost effectiveness of doing business in the Cayman Islands.

At the same time, every citizen of the Cayman Islands, every resident of this country, wants to ensure that the high standards are being observed. But at the same time while these standards are being heightened (regarded as prudent), we have to make sure that they are necessary and not becoming so onerous, or taken to a point, or have misinformation given in terms of what the Monetary Authority's regulatory regime represents. Going in to financial institutions and having access to financial records is not to pick up information to be passed overseas. This is to ensure that due diligence is carried out on every entity that is registered in the Cayman Islands. And it can be said that management is observing the anti-money laundering requirements are there, in that, they know their customers and at the end of the day walking away to say, 'Yes, we have looked at the ques-

*tionnaires that have been filled out by this organisation. A sampling has been done, whether 20% of the business that will be carried out in the year 2000 or 2001 and we are satisfied that the organisations have in place necessary, due diligence procedures'.*

This is a primary reason why the structure of the Monetary Authority is being enhanced so that we can effectively supervise business that is being conducted within the Cayman Islands and to have the confidence that. Mr. Speaker, we will not get rid of dubious business. No place in the world will ever get rid of that! In fact, a major onshore country at this point in time is now battling with money laundering proceeds to the tune of about \$862 million. That is being kept very quiet at this point in time.

At the same time, anyone who comes to the Cayman Islands and wants to abuse our financial regime should know that there is a risk factor. We know there are individuals out there who will be questionable, but they will come forward with good references. At the end of the day we want to be satisfied that business that is being conducted in the Cayman Islands is legitimate and we continue to give protection to the legitimate business that is being done here.

We have a right to pursue this as a policy because this is an important aspect of our economy and obviously it is something that the government and the people of this country have invested significant resources in. Significant, by way of the amount that is appropriated in the annual budget every year to the tune of approximately \$5 million that will be required for the year 2000, the amount of time that is spent by honourable members such as our Leader of Government Business, our Attorney General, the Third Elected Member from George Town, and we have other Members of this House who take time to scrutinise legislation and raise questions as the Third Elected Member for Bodden Town has been doing.

This is why we want to ensure that we have a prudent and acceptable regulatory framework in the Cayman Islands. We hope to achieve this through the Monetary Authority. But primarily, the Monetary Authority will operate as an institution to give protection and to ensure that business being conducted in the Cayman Islands is up to a standard that is expected and accepted by the community at large.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, this is my final supplementary. Can the honourable member say if included in this expansion and staff complement any provisions will be made for the post of a person(s) whose sole responsibility will be that of public relations: promoting the role and responsibility of the Monetary Authority, and being responsible for liaising with agencies both local and international to ensure that there is a complete and comprehensive understanding of the role of the Monetary Authority in the regulation of the financial affairs of the country?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** There is a certain level of anticipation in terms of what the recommendations will be when we meet on Saturday as a board and we are looking forward to that. The question of the public relations aspect of it, I cannot say at this time that it will be included amongst the recommendations but I am hoping that it will.

That honourable member has written to me. I have passed that to the secretariat and this has been circulated to members of Executive Council setting out the recommendations of that member. He has made a recommendation for us to look at the public relations aspect of this and also to get on board a firm that should be able to assist the Monetary Authority or the secretariat in developing a defined strategy.

We know that public relations is very important and I must admit that this is an area where we have been very deficient so far. About four or five years ago there was a team of MPs who came out from the United Kingdom. I remember that the leader of the group said to me, "Mr. McCarthy, I like what I have seen here in the Cayman Islands. What has been done with the financial industry is very good and continue to do it, but you all need to turn your attention to the public relations side of it."

He used an adjective to describe the level of public relations. I will not repeat it, Mr. Speaker, but we really need to turn our attention to that side of it. This is very, very important.

**The Speaker:** Are there any further supplementaries?  
The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Changing the tune a little bit, I want to go back to this training just for a minute. Understanding that the post of managing director of the Monetary Authority is one which requires not only a certain amount of qualifications but a certain amount of experience, and perhaps one may view the position to be where it is almost physically impossible to gain the necessary experience on island. Is any thought given to identifying anyone locally with regards to any specific training or secondment that may be necessary in order for us to be justly proud of having our own local managing director at some point in time?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I am sure that the First Elected Member for George Town is aware that the Cayman Islands is a leading financial centre. We have persons within the Monetary Authority at this time Caymanians who are ably qualified and who have developed relevant experience. That experience base, as the member has pointed out, will have to be expanded upon.

We have arrangements for attachments from time to time with established regulatory organisations. It is quite obvious that in the not too distant future we should have

a Caymanian heading the Monetary Authority. This is understood by the managing director who is now in place. We know that we will have to draw on expertise from outside for quite some time. But the same way we had Mrs Dilbert . . . when she assumed the reigns of Head of the Financial Services Supervision Department there was no question in anyone's mind that we had a very able and competent regulator who could hold her own within the Cayman community and overseas. We have quite a number of persons within the Monetary Authority at this time who are moving on track in that direction and every encouragement will be given to them.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Having heard exactly what the Honourable Third Official Member has stated, can he say if it has been made very clear, or if it is part and parcel of any contractual arrangements with either the existing managing director? Or will it be part and parcel of contractual arrangements of any future managing director who is not Caymanian that a part of the whole job description entails passing on knowledge and experience to local staff?

Mr. Speaker, I ask the question so the member will understand I have no fear in saying it. In the past we have had experienced people from abroad who treated knowledge and experience as a prize that they had captured and who were not willing to pass it on.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** In the first instance, every person who is brought in on a contract recognises that the contract is for a determined period of employment.

It is always understood that anyone being brought in, let's say, to head the Monetary Authority, is being brought in for his or her expertise. A part of this manpower development plan or survey must take that into account. Plus the fact that we have very intelligent persons within the Monetary Authority, it will be quite evident to them if there is any form of approach being taken to deny them of the ability to hone their expertise or have access to the level of knowledge that would prevent them from safely taking up the position of managing director, or moving into positions at a more senior level.

These are matters that will have to be looked at, but at the end of the day the Monetary Authority is being operated by a board that meets regularly. Staffing issues will be on the agenda for quite some time and probably on every agenda because this is always an important subject. It will be quite evident to the board if training opportunities or [other] opportunities for members of staff to hone their skills are non-existent and remedial actions can always be taken if such is determined to be the case.

I must say that the present managing director is very much committed to a plan of action in terms of train-

ing and also amenable to listening to the board as to expectations, because at the end of the day the Monetary Authority must be seen as an indigenous organisation. We know in terms of the mix of our financial industry and also the regulatory regime we have to continue to draw on expertise from outside, but in the first instance, it makes a difference at the end of the day when we have a Caymanian heading any organisation.

After drawing on expertise from outside for quite some time, and finally getting a Caymanian in place as the Head of the Financial Services Supervision Department, and then having to revert to a position where we have to look again to the outside, is to be regarded as a retrograde step. We have to put a plan that is meaningful in action to ensure that we have our Monetary Authority properly staffed with competent personnel and also have our Monetary Authority headed by a Caymanian.

**The Speaker:** Are there any further supplementaries?

No further supplementaries. We will move on to Question No. 86 standing in the name of the Third Elected Member for George Town.

#### QUESTION 86

**NO. 86: Mr. Linford A. Pierson** asked the Honourable Third Official Member responsible for Finance and Economic Development in view of the common usage of the word "bank" in the name of certain "foreign information technology entities", and in view of the legal restriction placed on the usage of this word, in the name of non-banking entities, would the honourable member state what policy is being adopted by government in regard to the registration of foreign and locally incorporated "information technology entities/e-businesses", wishing to use the word "bank" as a part of its name, e.g. "Infobank"; "Databank"; "Softbank", etcetera.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** This matter is currently under review and a policy will be adopted in the very near future.

This new policy is expected to take into account the degree to which a particular party may be misled into thinking that the entity using the word "bank" may be a financial institution with a banking license or a bank holding company that is permitted to provide regulated financial services.

Mr. Speaker, I mentioned in the answer that it is currently under review; this item will be brought up on the agenda of the Monetary Authority at the board meeting on Saturday. The Monetary Authority will be invited to make a recommendation to the government on this very important subject.

#### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for George Town.



**Mr. Linford A. Pierson:** I am pleased to hear that there is an intention to review this matter and that a policy will be adopted in the near future.

In relation to the second part of the answer where the honourable member said “this new policy is expected to take into account the degree to which a particular party may be misled into thinking that the entity using the word “bank” may be a financial institution with a banking licence . . .”

I wonder if the honourable member can say whether consideration will also be given to preparing a sort of information sheet to be published so that the general public will be made aware of the difference between banking commercial information as we know it and the use of the word, “bank” in information technology companies because there is a total difference in the meaning of the word?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I am not going to stand here at this point in time and say in terms of the ideas that have been emerging in my mind that thought has been given to development of an information sheet. But I would like to thank the Third Elected Member for George Town for that suggestion. That is going to be one of the recommendations I will be mentioning at the board meeting on Saturday that should be taken into account.

We do recognise that the government in its attempt to diversify the economy has recently introduced e-commerce legislation. The Third Elected Member for George Town has played a very significant part in that area.

We do recognise that it is very important that whatever is necessary to facilitate the growth and development of this industry be pursued—for example, infobank or databank. There should be no problems once it is properly explained. This would not have to be done within the local community but within the international community. There has to be some form of mechanism so that it is very clear that these are not fiduciary institutions.

**The Speaker:** Are there any further supplementaries?

No further supplementaries. That concludes Question Time for this morning.

**Mr. W. McKeever Bush:** Mr. Speaker—

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** I just want to register a complaint that all the questions we have on the Order Paper that are not answered—we only had two this morning. It is likely that the House could be prorogued today and we have so many important questions, sir. It is not your fault, sir.

**The Speaker:** [The House] will actually be dissolved on the 26<sup>th</sup> September and I can say no more about it. This is what is on the Order Paper.

Moving on to item number 4 on today’s Order Paper, Government Business, Bills, First Reading. But prior to calling for the First Reading, I would appreciate a motion for the suspension of Standing Order 46.

The Honourable Third Official Member.

#### SUSPENSION OF STANDING ORDER 46

**Hon. George A. McCarthy:** Mr. Speaker, I so move the suspension of Standing Order 46 to enable these Bills to be taken outside of the normal time.

**The Speaker:** I shall put the question that Standing Order 46 be suspended in order that we can proceed with the Bills on the Order Paper. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. Standing Order 46 has been suspended.

**AGREED: STANDING ORDER 46 SUSPENDED IN ORDER TO PROCEED WITH BILLS ON THE ORDER PAPER.**

**The Speaker:** Moving on to Bills, First Readings.

### GOVERNMENT BUSINESS

#### BILLS

#### FIRST READINGS

##### THE TRAFFIC (AMENDMENT) (DRIVING WHILE INTOXICATED ETC.) BILL, 2000

**The Clerk:** The Traffic (Amendment) (Driving While Intoxicated etc.) Bill, 2000.

**The Speaker:** The Bill is deemed to have been read a First time and is set down for Second Reading.

##### THE MONETARY AUTHORITY (AMENDMENT) (REGULATION OF NON-BANK FINANCIAL INSTITUTIONS) BILL, 2000

**The Clerk:** The Monetary Authority (Amendment) (Regulation of Non-Bank Financial Institutions) Bill, 2000.

**The Speaker:** The Bill is deemed to have been read a First time and is set down for Second Reading.

##### THE MONEY SERVICES BILL, 2000

**The Clerk:** The Money Services Bill, 2000.

**The Speaker:** The Bill is deemed to have been read a First time and is set down for Second Reading.

**THE CO-OPERATIVE SOCIETIES (AMENDMENT)  
(CREDIT UNIONS) BILL, 2000**

**The Clerk:** The Co-operative Societies (Amendment) (Credit Unions) Bill, 2000.

**The Speaker:** The Bill is deemed to have been read a First time and is set down for Second Reading.

**THE BUILDING SOCIETIES (AMENDMENT)  
(REGULATION BY MONETARY AUTHORITY)  
BILL, 2000**

**The Clerk:** The Building Societies (Amendment) (Regulation by Monetary Authority) Bill, 2000.

**The Speaker:** The Bill is deemed to have been read a First time and is set down for Second Reading.

**THE PENAL CODE (AMENDMENT) (ABOLITION OF  
THE DEATH PENALTY) BILL, 2000**

**The Clerk:** The Penal Code (Amendment) (Abolition of the Death Penalty) Bill, 2000.

**The Speaker:** The Bill is deemed to have been read a First time and is set down for Second Reading.

**THE CRIMINAL PROCEDURE (AMENDMENT)  
(ABOLITION OF THE DEATH PENALTY) CODE, 2000**

**The Clerk:** The Criminal Procedure (Amendment) (Abolition of the Death Penalty) Code, 2000.

**The Speaker:** The Bill is deemed to have been read a First time and is set down for Second Reading.  
Bills, Second Reading.

**SECOND READINGS**

**THE TRAFFIC (AMENDMENT) (DRIVING WHILE  
INTOXICATED ETC.) BILL, 2000**

**The Clerk:** The Traffic (Amendment) (Driving while Intoxicated etc.) Bill, 2000.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I beg to move that a Bill entitled, A Bill for a Law to Amend the Traffic Law (1999 Revision), to Amend the Law Relating to Omnibus and Taxi Drivers' Permits; to Amend the Law Relating to Driving While Intoxicated; to Provide for Specified Parking Places for Disabled Drivers; to Amend the Law Relating to Ticketing Offences; and to Provide for the Designation

of School Zones; and for Incidental and Connected Purposes.

Mr. Speaker, the Memorandum of Objects and Reasons of the Bill really provides an explanation of each section.

"Clause [3] amends Section 43(3) of the law to give the Public Transport Board a discretion in the granting of permits to drive an omnibus or a taxi. Also, instead of the commission of any offence against the person being a bar, in future only offences against the person which are triable on indictment or either way i.e. more serious offences, may operate as a bar to the granting of a permit.

"Clauses 4, 5 and 6 provide revised wording for the offences of driving under the influence of alcohol or drugs and causing death whilst driving under the influence of alcohol or drugs. They also provide for the testing of breath for alcohol by a portable alcohol-in-breath measuring device. A constable may arrest a person without a warrant if, as a result of a breath test taken by such a device, he has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit. Refusal to comply with a constable's request for a breath test will be an arrestable offence.

"Where a person is arrested after taking a roadside breath test and is taken to a police station or hospital he shall be required to:

- (a) provide a specimen of breath for testing by another type of alcohol-in-breath measuring device; or
- (b) to provide a specimen of blood or urine for analysis.

"Only a registered medical practitioner may take a sample of blood from an arrested person.

"Clause 7 provides restrictions on the testing process to be applied to patients in hospitals for their protection.

"Clause 8 makes a consequential numbering amendment.

"Clause 9 is an interpretation section.

"Clause 10 amends section 78 of the principal Law (ticket offences) by increasing the number of offences for which a ticket may be issued.

"Clause 11 makes a consequential numbering amendment.

"Clauses 12 and 13 [are the results actually springing from the private Member's Motion which was moved by the Second Elected Member for Bodden Town seeking to] further amend the law to provide for the designation of parking places for disabled persons and the provision of disabled person badges. Any vehicle parked in an area designated by the Director as parking for disabled persons must have a badge attached thereto.

"Clause 13 also provides for the designation of school zones in which special traffic restrictions may be imposed."

We have heard on many occasions members of the community talking about traffic along Walkers Road near

the schools, as well as traffic near primary schools in our respective districts, and the need to make sure that these flashing lights carry some kind of authority under the Law for it.

In Clause 3 the amendment really seeks to separate the crimes under the Traffic Law that are triable by a Summary Court and crimes under this Law that are more serious, relate more to section 71(a).

In Clause 3 it is repealing section 43(3) and substituting the following: It says:

**“(3) Notwithstanding subsection (2)-**

- (a) **the Board shall refuse to consider an application for a permit by or on behalf of a person who does not fulfil the prescribed conditions as to age, driving experience or local knowledge; and**
- (b) **the Board may, in its discretion, refuse to consider an application for a permit by or on behalf of any person who, during the last three years, has been convicted in any court for-**
  - i. **an offence under section 71 or 71A;**
  - ii. **any offence connected with dangerous drugs;**
  - iii. **any offence involving fraud or dishonesty;**
  - iv. **any offence against the person triable on indictment or either way; or**
  - v. **dangerous driving, whether or not causing death.”**

The amendment to this section is seeking to give the Public Transport Board more discretion in dealing with persons who earn their living by means of being a taxi-driver or an omnibus driver.

At the moment the Law says that the Public Transport Board cannot entertain an application from a taxi-driver convicted while driving under the influence, during the past five years in any court. We are seeking to amend that to three years and we are also seeking to give the Board more discretion in dealing with it as we know in some cases the taxi-driver may not be transporting any persons at all, but may be using that vehicle for his personal use and may be found driving while under the influence. The Board will have some discretion then as to whether to entertain his application for renewal of a taxi licence within that period of time, three years, or wait until after the three years depending on how serious the offence.

At the moment the Law reads: **“(3) Notwithstanding subsection (2)-**

- (a) **The Board is not required to consider any application for a permit by or on behalf of any person who has during the past five years been convicted in any court, for . . . (and it is the same list as I mentioned earlier)-**
  - i. **an offence under section 71 or 71A;**
  - ii. **any offence connected with dangerous drugs;**
  - iii. **any offence involving fraud or dishonesty;**

- iv. **any offence against the person triable on indictment or either way; or**
- v. **dangerous driving, whether or not causing death.”**

So, these amendments basically seek to separate the two types of crime, one, being triable by summary court and the other being triable in a much more serious way, I believe meaning the Grand Court. That coincides with the amendment to section 71. Section 71(A) deals with more serious type of crime as found in Clause 5, which is already in the Law. We are just separating the two in terms of which is triable by summary court and which is a more serious crime.

Section 71(B) deals with the ability of the police to take or cause a person to take a breathalyser test, a portable test. At the moment the Law allows the police to take the test but not necessarily by a portable means. The offences under the law as we have amended it is in line with what is currently the offences under the law, meaning on first offence, to a fine of \$1,000 or to a term of six months. On the second offence to a fine of \$2,000 or twelve months, and in addition to those on the first of any subsequent offence, disqualification from driving for a period of twelve months or such longer period as the court may order.

Section 72 deals with the provisions of specimen for analysis and it points out that only a medical practitioner is allowed under the law to take a blood sample from any member of the public and those persons who are hospital patients. Section 72(A) says, **“While a person is a patient at the hospital he shall not be required to provide a specimen of a breath test for a breath test or to provide a specimen for laboratory test unless the medical practitioner in the immediate charge of his case has been notified of the proposal to make the requirement,**

- (a) **if the requirement is then made, it shall be for the provision of a specimen at the hospital, but**
- (b) **if the medical practitioner objects on the ground specified in subsection (2) the requirement shall not be made.”**

Subsection (2) says, **“The ground on which the medical practitioner may object is that the requirement or the provision of a specimen, or in the case of a specimen of blood or urine, the warning required under Section 71B would be prejudicial to the proper care and treatment of the patient.”**

Clause 13 deals with an amendment to section 103A and that reads, **“There shall be a badge of a prescribed form to be issued by the Director for motor vehicles driven by, or used for the carriage of, disabled persons; and subject to the provisions of this section, the badge so issued for any motor vehicle or motor vehicles may be displayed on it or on any of them.”**

Dealing with the school zones there is an amendment to the law, section 103B, **“The Commissioner may by notice published in the Gazette, designate any part of a road as a school zone; and regulations**

**may prescribe the traffic signs or lights which shall be required to demarcate the school zone at each of its entrances and exits, and the speed limit and other conditions which shall apply in a school zone.”**

Mr. Speaker, those are the principal amendments in the law and I recommend the amendment to members of this honourable House.

**The Speaker:** A Bill entitled the Traffic (Amendment) (Driving while Intoxicated, etc.) Bill, 2000 has been duly moved. Does any member wish to speak to it?

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** This Bill is pretty comprehensive even though it is on the eve when the House will be dissolved. Nevertheless there are areas needing to be addressed for a long time and therefore up until now I don't have any great problem with the Bill. One thing I know is missing—and I did not observe it in the Bill, maybe it is, but I did not find it—for many years in various areas persons have asked that speed bumps be put on various roads especially private subdivisions that have grown and have a lot of people. People have found this difficult to get done. I think there was nothing authorising the police, nor Public Works, to agree to it and I would suspect that this is the place that it could be authorised.

I think in areas where we have children and old people, especially those areas that have very good roads, some people tend to speed in excess of the authorised limits. In fact, I think proper notification and signage of speed limits are also lacking in larger subdivisions. If it is not contained in this Bill, I hope that the minister would agree. I don't know whether the members would be against it. I think members have had as many complaints as I have had. I would certainly move that amendment with your permission in Committee stage.

Outside of that I don't have any problems with the Bill. In one particular area too many people are in the section dealing with offences where a person loses his/her licence. Not many persons have spoken to me, however, there are persons in my constituency—and I would suspect that someone has also talked to the minister. People depending upon their driving licences, who have no offences of killing anyone, I see no reason why . . . Mind you, if they are known to drink a lot I would hope that would be some sort of caution to the minister and the board. However, I believe that people who have minor offences should be able to make a living and feed their children.

**The Speaker:** The floor is open to debate. Does any other member wish to speak?

The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I am not going to be too long. I just want to add my support to the amendments being proposed to the Traffic Law—specifically the proposed amendment giving the Transport Board more authority or discretion with regard to renewing licences for persons who maybe on occasion have been convicted of

driving while under the influence. Mr. Speaker, I am aware of a number of those persons with taxi licences who were driving their vehicles [under the influence] but not while engaged as taxi operators. As a result they went to court, were convicted, fined and lost their taxi licences. I think under the present law consideration cannot be given until after five years.

Mr. Speaker, it is also an area that we have to be very sensitive about because we have a lot of our young people at Northward Prison (I visited there just three weeks ago), who once they serve their time would like to be in a position where they can come out and make a legitimate honest living. One of the areas available for these persons, and I am not talking about persons convicted for murder and that type of thing, but people who basically have, may be, a drug conviction against them for consumption. This area of a taxi or bus permit operator is an area that a lot of people are looking to as far as getting a second chance in life. So, I do support these amendments, sir, and I thank you.

**The Speaker:** Does any other member wish to speak?

The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would just like to support a suggestion that was made by the First Elected Member from West Bay with regards to what I call the 'sleeping policeman' in the more urban residential areas. I am looking at, George Town in particular, where we are not dealing through roads; the roads that just take people into those particular areas.

There is a lot of speeding going on especially in the area call the Swamp in George Town. There is a substantial amount of that going on in the Windsor Park area where I live. People are also experiencing this in George Town and I am sure it is happening in West Bay. It is a cheap way of policing the speeding problem. So, although the police cannot be expected to come out every time a neighbour makes a report it would be good to have these sleeping policemen there. We find that when we have community police relations meetings one of the main complaints that residents have in all the areas that I have listened to really have to do with persons speeding in the area.

If we are going to make attempts to make sure that persons drive and observe certain conditions in areas where the schools are located, we are doing that because of the children. In the community we also have the movement of the children going to school in the mornings and coming back home in the evenings. So, I would appreciate if the minister would give some concern to this and see if we could address it in the Committee stage.

With regards to the amount of time that a person is disqualified from being able to operate a public, or a for hire vehicle, I feel that there are a lot of persons who can be treated when they make mistakes, or when they do things that would endanger the lives of citizens or themselves. Disqualification of someone is one punishment, but it does not in itself suggest a solution especially if

persons are going to earn their money by operating an omnibus or taxi. I feel that three years would be fairer than a five-year period. The board also needs to make sure that it has a pretty good view of those persons' drinking habits in that it is not going to adversely affect a person who innocently decides to contract that individual to provide them with a particular service.

So, the board can also require persons who they believe have a problem to attend counselling service which is perhaps more effective than saying that the person is going to be off the job for five years. This will obviously just create the condition for drinking, because if you are not working what the heck do you do but go to the bar and just kill some time and drink more? You have no responsibilities; you are not driving anymore. So talking from a little bit of personal experience here, I think that it would be perhaps more beneficial to the individual in the society as a whole to recommend, for instance, that persons attend some type of counselling.

Thank you.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. I too rise to make a brief contribution to this Bill and I would preface my contribution by saying that it is appropriate at a time when the roads of the Cayman Islands are becoming, it seems, more popular and more crowded for us to try to promote some sense of respect and responsibility among road users. I am happy to associate myself with the efforts made by the government and other responsible authorities in advocating zero tolerance towards persons who insist upon drinking and driving.

I have always contended that the automobile is one of the worst weapons that we can use. It has the potential and history has shown us that it has destroyed many persons not only innocent victims but there is a certain risk that the drivers take themselves when they insist on drinking and driving. There is an old adage that rum and gasoline do not mix.

With regards to the matter of the sleeping policeman in subdivisions and residential areas, this has been a request that has been coming forward for many areas for many years. Previously, the request did not meet positive responses because when you went to the Police they say it was out of the ambit of their control and when you went to the Planning Authority, they considered it against the best interest of everybody to do these kinds of things. But clearly I don't know if the idea of putting these things in the road will serve to deter those who abuse the roads but something needs to be done particularly in certain residential areas which have grown up as family communities. I have had requests from a number of persons from my constituency who live in these kinds of subdivisions and believe you me I have every sympathy with them. I identify with the requests and I have tried numerous times so I too would join those who ask the Minister to take this into consideration.

Having had the experience of living in Canada, I have always wondered why we could not adopt instead of a purely punitive system one that would offer some kind of beneficial remedy to persons who abuse the road through: (a) drunk driving and (b) continuous speeding.

I heard the Fourth Elected Member for George Town speak about counselling. I think this is something that should be considered in instances of those persons who have their licences suspended as a result of drunk driving. And not only to be extended to them, but also to those who have their licences suspended because of habitual speeding. It has been proven that counselling has some effect in these areas also.

I would like to say that we should reach a stage now where not only should counselling be made mandatory in these kinds of occasions, but also driver re-education. So, that before somebody comes back on the road they would have to satisfy the authorities that they have taken a course in driver re-education and have satisfactorily satisfied the examiners, whoever that examiner may be, whether it be the Department of Transport or someone privately commissioned and authorised by the Department of Transport to conduct such an examination.

Such an examination would not be limited to the person's physical ability to control an automobile, but it would also test his mental acuity and disposition toward other road users and themselves, for example. In some jurisdictions these other kinds of methods that are adopted because as we progress in the Cayman Islands it seems to me that the automobile is becoming more commonplace and we don't only have one-car families now we have two and three-car families. So, it is absolutely necessary for the government and for the road users to maintain some kind of semblance of courtesy and order. Many people can benefit from this kind of consciousness and driver education and a sense of responsibility and consideration for other road users.

To that extent I think that I would also ask the honourable minister from time to time to put out bulletins reminding pedestrians that it is their responsibility to ensure that they access the street in safety. And to remind them of the proper way to use, for example, pedestrian crossings. It is not only good enough to just step on the crossing, but it is their responsibility and obligation to ensure that before they step on the crossing that passing vehicles can take note of them. Because if you just come abruptly to a crossing and step out and a driver is coming down, you are not giving that driver any reaction time. So, the proper way to use the crossing is to stop and ensure that vehicles travelling in both directions know that you, the pedestrian, are about to use the crossing.

Also, to put out bulletins and pointers reminding people that when they walk at night they should ensure that they are properly attired—meaning that they are in light coloured clothing. And, Mr. Speaker, this one always gets me: for the life of me I cannot understand how my fellow Caymanians and other people who use the roads insist on walking with their backs to the traffic. It is

a cardinal sin to do that, particularly at nights. People should always be taught to walk facing the traffic.

Mr. Speaker, I am going to implore the honourable minister to ensure that these kinds of programmes begin with the school: that the school children at the primary school age are taught. They are taken out and shown the proper way to negotiate a pedestrian crossing and the proper way also to walk the streets at night.

There is another thing that needs to be taken into consideration by road users: most people try to cross the road on a corner. That is dangerous and should only be done where no other way is necessary. I was always taught that you cross the road at a point from which you can have command of the traffic coming from both directions. So, I am saying all this to say to the honourable minister that it does not only relate to the drivers because this is an obligation and responsibility shared by both drivers and pedestrians, and also pedal cyclists (as they are called) because we are getting more of these on the road now.

I am pleased to see the section dealing with the disabled, especially taking in regard the number of times the Elected Member from North Side has made this request.

Also, I notice that there is a significant change in the schedule of fees with the new proposed schedule—the old one gave a maximum, while the new one, if I am interpreting correctly, does not give any maximum, but just one fee). So, I am asking the minister if in his winding-up he would state whether this is the absolute and that will be the maximum, or whether this is just a minimum with the discretion being given to the authorities of the legal people as to what the maximum might be.

**The Speaker:** Does any other member wish to speak?  
The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Before I give my comments on the Bill that is before us, I also just wish to associate myself with the call for what some people term as sleeping policemen and others call speed bumps in certain specified subdivision areas. I want to make a comment on it because—you see, I just heard somebody ‘*all private roads*.’ But the fact of the matter is, that the requirement should not limit itself to all private roads because there are public roads where they are also necessary.

I want to make a comment because I think one of the big problems that people have had in the past with thinking about this, is that for those (hopefully in the majority) who do not exceed speed limits in these areas, they find it of great inconvenience to have to be slowing down almost to a stop. It is very uncomfortable to go over these speed bumps at any normal speed whatsoever. One side of the coin looks at it as a great inconvenience because they do not exceed the speed limit, and then there is the other side of the coin that seeks to use it to inhibit people with the thought of speeding. But as time has evolved, just as there have been improvements in everything else, people get a little bit more experi-

enced and they think about something more and they do something better.

For a speed bump to be effective it does not have to be built how we were used to seeing them, where people just pile up a whole pile of cement or asphalt just almost as a barrier. The fact of the matter is there is a more gradual style which can be effected which does not necessarily affect traffic up to a certain speed, but serves the exact same purpose as a deterrent for anyone who is speeding.

So, I just want to extend the thought that when people hear this being aired they don't have to grimace and really say to themselves, ‘*Lord, this is going to be such a serious inconvenience if they actually do this*’. The fact of the matter is it can be done to where normal speeds are not greatly affected. Of course, you will have to slow down a little bit but it does not mean you have to come to a complete stop otherwise you feel your teeth jarring in your head. So, I just want to offer that thought with regards to this so if there is support for it, it can be done in a way that is acceptable.

Mr. Speaker, I also wish to bring a point which one might think is not a point, but I thought about it while I was looking at this, this morning. In the Memorandum of Objects and Reasons it says, “**Only a registered medical practitioner may take a sample of blood from an arrested person.**” Now, I have discovered that here in Grand Cayman that is certainly not a problem because there is a medical practitioner on duty at the hospital 24 hours a day. While Cayman Brac and Little Cayman are much less populated and the law of averages may well state that the need for such a test may be a lot less than in Grand Cayman, the fact is it is possible that the test is required.

I am not one hundred percent sure about the availability of a medical practitioner in those instances over there. And I am not suggesting that to say it should be a medical practitioner is inherently a wrong thing or to make that a part of the rules of the game. But in practical terms—and we extend it over to Cayman Brac and Little Cayman—is it really feasible? I am asking the question because I don't know the answer. But I think it should be considered. It may be a situation where you might have to have another body who might be qualified and be able to do such a test if necessary.

I respect the requirement for a medical practitioner, I understand that, but reality being what it is, put in practice, there might be a problem. So, I would ask the minister to address that in some form or fashion with regards to looking at Cayman Brac and Little Cayman with that requirement.

Also, I think as we look through this amending Bill we will see where section 71 is being repealed and a new section is being put in its place. I see where with regards to the convictions it says: **(1)“A person who-**

- (a) drives or attempts to drive a motor vehicle on a road;**
- (b) is in charge of a motor vehicle on a road; or**
- (c) is supervising a learner driver of a motor vehicle on a road, while that person-**

- (i) **is under the influence of drugs or alcohol to such an extent that his efficiency as a driver is or would be impaired; or**
  - (ii) **has consumed alcohol in such a quantity that the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit, commits an offence.**
- (2) **A person who commits an offence under this section is liable on summary conviction—**
- (a) **on a first offence, to a fine of \$1000 or to a term of imprisonment of 6 months or both;**
  - (b) **on a second or subsequent offence, to a fine of \$2000 or to a term of imprisonment of 12 months or both; and**
  - (c) **in addition to the above, on a first or any subsequent offence, to disqualification from driving for a period of 12 months or such longer period as the court may order.”**

Mr. Speaker, I understand that our judicial system is based on English Common Law which transcends to precedence. I also understand that there is a certain amount of latitude which this new section—I think it is similar to what the other section was, but it leaves latitude for judges and magistrates to deal based on precedence. Now, perhaps my thoughts are in the minority and perhaps the precedence that the magistrates and/or the judges will be dealing with, allow for what is considered to be appropriate sentencing in these matters.

I raise the thought because for me, personally, I think it should be more specific—especially when it relates to subsequent offences. We specify the fine when it comes to first and second offence, but the disqualification period is basically left on a graduating scale to the precedents that are there before those magistrates when they make such sentencing.

Now, perhaps my thoughts may seem to be intrusive to the system but that is not the intention. I simply wish to make the case that I feel in matters such as this that there should be specific deterring disqualification periods for repeat offenders in these areas. I believe it is a serious offence and it is obvious that repeat offenders either have a problem that needs to be addressed—that they don't seem to be able to handle on their own—or they simply don't think in a responsible enough fashion to recognise not only the consequences to themselves by way of, in many instances, losing their ability to earn an income because they cannot drive but also the dangers to the safety of the public.

I don't want to proffer at this point in time any specific times with regards to disqualification periods. I just feel that if there is a graduating scale for such offences by way of fines that there should be specific graduating scales both with fines and with disqualification periods.

This has no bearing on my support for the Bill but I simply offer that suggestion because I believe that it is important. It is not a question that it was not as serious as many years ago, but I know for a fact that it is different nowadays because a lot more vehicles are on the road and the law of averages states that the danger multiplies itself because there are more people on the road

and more cars on the road nowadays than it used to be. So, people need to pay more serious attention to such a situation.

I also noticed in that same section that is to be replaced, it says: “**The particulars of a conviction under this section shall be endorsed on the driving record of the convicted person.**” I would like to know if this endorsement—and I am not so sure I am using the correct terminology here, but I will risk it because I think I will be understood. I am not so sure if this endorsement is the way I knew it to be before, where I think there was some type of statute of limitations with regards to a period of time that any conviction of a traffic offence was kept on the record. I would like to have a very clear understanding of that if it is possible before we vote on the Bill.

Mr. Speaker, there is also a school of thought which I think may be worth mentioning in this day and age. Without using specific examples, I am thinking perhaps that there are some areas that have certain speed limits which are attached to more or less the fact that certain institutionalised activity goes on in that area, for instance, schools. I am wondering if there can be any look-see at areas such as this. The fact is, school activities occur within certain specified period of time during the course of the day and days of the week. Also, there are several times during the course of the year where schools are on holidays.

I am not limiting the thought to schools—I am just using schools as an example. I am wondering if there is a possibility of observing certain speed limits and deciding whether traffic may be able to move up to 40 miles per hour when school is not actually in session. Maybe there are other activities that are possible. You know, if you are travelling nowadays you will see certain signs at certain areas saying, ‘*no turning right between 7.00 and 9.00 in the morning*’—for the specific reason of traffic getting bottlenecked and trying to keep the flow going. So, I am wondering if there can be any consideration like that.

Now, the question to that is it is simply because on many occasions you will find that traffic has slowed down unnecessarily. I raise the issue but not with any firm view. I guess I would have to leave it up to those who may be better qualified as to whether the mechanics of doing such a thing is feasible, or whether there is a problem with it when people actually visualise, if for instance, the authorities are comfortable that they will be able to monitor it properly. If it were done for instance not just in the school areas—I am thinking of that area specifically but I do not want to limit it to there only, because there may be other areas that I have not thought about. I am saying to myself perhaps one of the problems might be, if you allow it at certain times and the rules are broken at the wrong times, then people are going to say, ‘*Well, I didn't know when I could and couldn't*’. So, I respect that we have to balance the situation, but I thought I would bring it up because it might be something worth looking into and I thought I would air it on this occasion.

Mr. Speaker, I think that the Bill addresses many areas long overdue if I may say. And there is also this mention that has been made about the Transportation Board being allowed a certain amount of latitude with regards to people having lost their licences for certain offences and the time period involved. If I have to say so myself when one looks at it from a purely objective point of view, without knowing any individual circumstances one might be easily tempted to say, *'you know, we should not give that type of latitude, we should be more firm in those situations'*. The fact of the matter is when you examine certain individual situations, as people are prone to make mistakes, it is not necessarily a fact that each individual circumstance warrants the hardships that are experienced. So, as mentioned before, I think it is a reasonable compromise at that point in time to give the authority who deals with this the latitude to be able to examine the individual situation and make judgments relating to that individual circumstance. So I don't have a problem with that as it is proposed.

I basically support the Bill that has been brought before us and I have aired the other comments to see if there is any enhancement that may be made given the fact that there may be a chance for possible amendments or additions. Thank you.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** I too rise to offer my support to this Bill. It is a very timely Bill seeing the significant strides that the Minister for Transport has received in recent times with the provisions of such a tremendous amount of work on the roads. As we move forward later on in the year to significantly accomplish much of the work in progress, this Bill is very timely.

In regards to the flashing lights by the schools this is very important and as pointed out by other speakers this needs to be looked at for proper utilisation for certain times. As we know, travelling in the United States there are designated times when the lights are flashing that the speed limit is restricted to 15 miles per hour. I am not sure how it will be dealt with here. Many of our schools, specifically the Savannah, Bodden Town, Red Bay and also East End Primary Schools—most of the primary schools are relatively close to the roads so it is very important for the protection of our young people that this is enforced diligently. Maybe in the first few months of introduction the presence of police officers in these areas [will be necessary] to make sure that the public understands what is going on.

One of the areas touched on also, was drivers' education by, I think, the Third Elected Member from Bodden Town. I think this is a good aspect to be looking at in improving the education of our drivers. I do know that the National Drug Council has provided incentives in forming a school for drivers while intoxicated I am sure this will be developed in a more comprehensive form down the line.

In regard to speed bumps, the consensus I hear is that we must now look at these. I think all three of the representatives from Bodden Town—and I assume all representatives in this House—have been asked to look at these situations to slow down the speeders. I think the First Elected Member from George Town talked about [speed bumps] not being too high. This makes good sense because one of my main concerns is that emergency service vehicles—the fire trucks, the ambulances—are not in any significant manner slowed down. But I still think we can get around this especially if the subdivisions do not lead mainly through a direct road. This will be looked at.

I certainly welcome the results of the motion moved by the Second Elected Member from Bodden Town in regards to handicapped parking. It is a pity that we have to come to where the legislation has to be put in place. The feeling for human beings: There is nothing that makes me more angry than when I go to offices and other parking areas and see young people parking in these blue areas. Thank God, this is now going to be something that is legislated and people will be penalised when they abuse these parking services. I see very young people driving in there, having their radios full blast, jumping out and leaving their cars running, for whatever reason, in the areas that our handicapped people need to use.

I must say that this is very timely. I must once again thank my colleague, the Second Elected Member from Bodden Town, for bringing this. And thanks also to the minister that we are now going to legislate that these people are protected. Thank you very much.

**The Speaker:** The floor is open to debate. Does any other member wish to speak?

If no other member wishes to speak, does the mover wish to exercise his right of reply? The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I thank you, sir, and it is appropriate to say how grateful I am for the support of all members who have spoken and obviously all members who decided not to speak also support this Bill.

I thank members for the points they have made and questions they have asked in their contributions to the debate. I certainly take note of the point made by the Third Elected Member from Bodden Town; the possibility of putting in place bulletins and he pointed to pedestrians in particular, but also talked about beginning the programme at a school level which I am in absolute agreement. Programmes such as these are not time consuming nor complex to put in place and I will use whatever influence I have to ensure that it does begin.

We also heard some other comments about the speed bumps and comments about time for enforcement. In some cases the school designated areas, where in most parts of the world, your speed is reduced by as much as 10 miles per hour. I know in some areas it might normally be 25 miles per hour, but when you get within



the flashing lights near a school the speed is normally reduced to about 15 miles per hour. I believe that is what should happen here in the Cayman Islands.

It is then a matter of monitoring and ensuring that the motoring public is educated to that fact with designated timings of the day. When the school is on holiday there should also be some bulletin from the transportation section of my ministry to say that this no longer applies during this holiday season but remember September so and so it comes back into place. And then shortly before the day we give some more notice to the public so that when they set out that morning they are aware of it.

The member also made some comment about the medical practitioner taking the test and he struck a chord on an area that we may not always be in possession of medical practitioners to take the test. But the law does allow both; it allows the blood test or the breath test. So, if you are totally unable to do the blood test, and the law requires that you do the blood test by utilising a medical practitioner, then there is always a possibility that you can use the breath test in that case.

In regards to the Brac, I understand that there are five doctors—three government doctors and two representing the private sector side of the private hospital—and the doctor is on call at all times when he is not present at the Faith Hospital.

There is also a government doctor who provides service to Little Cayman and one from the private hospital who provides services as well. We know there can be times when neither is in place because they have just left and in which case the person would have to be flown back in or we use what the law says and take the breath test rather than the blood test. I thank the member for highlighting that point because I think it needs to be highlighted.

In terms of the speed bumps I do know that it has been the subject of discussion for sometime between my ministry and Public Works, and I am sure between the ministry previously responsible for Works as well, the present Minister for Agriculture, Communications, National Resources and Environment. I think it is a matter of what design shall those speed bumps take. I know that Public Works has been looking at this with a view of saying that some of the speed bumps that are presently on the non-main roads are not the ones they would want to see happen on a global basis, meaning all over Grand Cayman in the subdivisions or off the main roads kind of situation. The matter is being looked at by Public Works and I think the government would have no real difficulty and I would ask the Second Official Member to assist us with this. In discussions with him we possibly could move some amendment during the committee stage that would give the government the power under the law either to make regulations to require it or something along those lines. These are not just the words that I have come up with: I have gained them by discussions with the Second Official Member.

So, I believe there are sufficient concerns about persons who speed in the roads in subdivisions. They speed at such a rate that in some cases it appears they

have no concern for children playing in the area and I believe the government has to take that on board—all of us—to make sure that we do institute some kind of a system that causes a respect for young people playing in community streets. I thank members for their support.

**The Speaker:** I shall now put the question. The question is that a Bill entitled the Traffic (Amendment) (Driving while Intoxicated etc.) Bill, 2000, be given a second reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The Bill has been given a Second Reading.

**AGREED: THE TRAFFIC (AMENDMENT) (DRIVING WHILE INTOXICATED ETC.) BILL, 2000 GIVEN A SECOND READING.**

**PROCEEDINGS SUSPENDED AT 12.45 PM**

**PROCEEDINGS RESUMED AT 2.55 PM**

**The Speaker:** Please be seated.

Proceedings are resumed. Bills, Second Reading.

**THE MONETARY AUTHORITY (AMENDMENT)  
(REGULATION OF NON-BANK FINANCIAL  
INSTITUTIONS) BILL, 2000.**

**The Clerk:** The Monetary Authority (Amendment) (Regulation of Non-Bank Financial Institutions) Bill, 2000.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I beg to move the reading of a Bill entitled The Monetary Authority (Amendment) (Regulation of Non-Bank Financial Institutions) Bill, 2000.

**The Speaker:** Do you wish to speak to it?  
Please continue.

**Hon. George A. McCarthy:** Mr. Speaker, as this Bill and the other three which are: The Money Services Bill, 2000; Co-operative Societies (Amendment) (Credit Unions) Bill, 2000; Building Societies (Amendment) (Regulation by Monetary Authority) Bill, 2000, are connected, it may be useful for the benefit of honourable members for me to state briefly why these Bills are being brought simultaneously and then I will focus on the Monetary Authority (Amendment) Bill.

Briefly, a number of non-bank financial institutions namely building societies, credit unions and institutions providing money transfer services are currently not regulated by the Monetary Authority. This sector of the domestic financial system is now relatively small but growing and it is therefore important that it is included in the regulatory framework. These four pieces of legislation if given safe passage will allow the Monetary Authority to

provide the necessary supervisory oversight in order to minimise risk and to better safeguard the interest of customers.

Failure to tighten regulations in this area could affect the stability and confidence of our financial market as a significant amount of business is being conducted with residents. Furthermore, lack of supervisory oversight of the non-bank financial institutions could undermine our ability to combat financial fraud and money laundering.

In the Cayman Islands at this time there is one building society incorporated under the Building Societies Law and two credit unions incorporated under the Cooperative Societies Law. There are four money services' businesses currently operating in the absence of any form of legislation.

Under the existing Building Societies Law and the Cooperative Societies Law, the Registrar of Companies is responsible for the supervision of building societies and credit unions. However, unlike banks and other financial institutions, neither the building society nor the two credit unions are subject to on-going on-site or off-site supervisory monitoring.

Supervision under existing legislation entails providing the Registrar of Companies with annual audit statements. In case of money services business, as I mentioned earlier, there is currently no legislation in place to regulate and to supervise these entities. I should point out that based on studies conducted on money services providers within the international community, these entities have begun to emerge as a new conduit for facilitating money-laundering activities. We have to be thankful that it is unlikely that such is the case in the Cayman Islands, but we have to ensure that we have adequate oversight in place to ensure that this does not happen.

Therefore, these four Bills are being introduced to bring the non-bank financial institutions within the Monetary Authority's regulatory framework.

Turning now specifically to the Monetary Authority (Amendment) (Regulation of Non-Bank Financial Institutions) Bill, 2000. In the Memorandum of Objects and Reasons it can be seen that the Bill amends the Monetary Authority Law (1998 Revision) to confer on the Cayman Islands Monetary Authority the responsibility for supervising and regulating money services businesses, credit unions and building societies.

As a consequence, supervisory responsibilities would no longer be required of the Registrar of Cooperative Societies in respect of credit unions or the Registrar of Companies in respect of building societies.

**"Clause 1 provides the short title, and Clause 2 is an interpretation clause.**

**"Clause 3 inserts into the Monetary Authority Law (1998 Revision) definitions of the terms "money services business", "credit union" and "building society", and amends the definition of the term "the regulatory laws."**

**"Clauses 4 and 6 enable the Monetary Authority to supervise money services businesses, credit unions and building societies to the same extent as it supervises banks, trust companies, company man-**

**agers, insurance companies and mutual funds. The Authority may respond to requests from overseas regulatory authorities for information relating to the non-bank financial institutions but would have the ability to decide whether the information should be provided and, if so, under what conditions.**

**"Clause 5 makes provision for the confidential handling of information obtained by the Monetary Authority in relation to the affairs of money services businesses, credit unions and building societies; however, the Authority may exercise its power of disclosure, after taking a number of factors into account and requiring undertakings as to reciprocity and costs."**

Mr. Speaker, I commend this Bill to honourable members.

**The Speaker:** The question is that a Bill entitled the Monetary Authority (Amendment) (Regulation of Non-Bank Financial Institutions) Bill 2000 be given a Second Reading is open to debate. Does any member wish to speak? The floor is open to debate.

No Member wishes to speak? Does the honourable mover wish to exercise his right of reply?

**Hon. George A. McCarthy:** Mr. Speaker, just to thank honourable members for their support. Thank you.

**The Speaker:** I shall now put the question. The question is that a Bill entitled the Monetary Authority (Amendment) (Regulation of Non-Bank Financial Institutions) Bill 2000 be given a Second Reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The Bill has accordingly been given a Second Reading.

**AGREED: THE MONETARY AUTHORITY (AMENDMENT) (REGULATION OF NON-BANK FINANCIAL INSTITUTIONS) BILL 2000 GIVEN A SECOND READING.**

**The Speaker:** Honourable Members, in the absence of the *Hansard* . . . there is a question as to whether the question was put on the Traffic (Amendment) (Driving while intoxicated etc.) Bill, 2000. So, as a matter of caution I would like to move—

*[Inaudible comment]*

**The Speaker:** It was put. Bills, Second Reading.

#### **THE MONEY SERVICES BILL, 2000**

**The Clerk:** The Money Services Bill, 2000.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I beg to move the Second Reading of a Bill entitled the Money Services Bill, 2000.

**The Speaker:** Please continue.

**Hon. George A. McCarthy:** Mr. Speaker, this Bill, as honourable members will note in the Memorandum of Objects and Reasons, gives the Cayman Islands Monetary Authority responsibility for the supervision and regulation, and regulating certain types of financial services providers.

“Clause 1 provides the short title.

“Clause 2 is an interpretation clause. The term “money services business”, for example, is defined as the business of providing (as a principal business) any or all of the following services –

- (a) money transmission;
- (b) check cashing;
- (c) currency exchange;
- (d) the issuance, sale or redemption of money orders or travellers’ checks;
- (e) such other services as the Monetary Authority may specify.

“By virtue of clause 3, building societies, credit unions, and entities licensed under the Banks and Trust Companies Law are exempted from the requirements of the legislation unless they are acting as the local agents of a money services business.”

Specifically as to why this exemption is allowed can be found on page 9 of the Bill.

“Clause 4 makes it an offence to carry on money services business as a principal business, without a licence granted under the legislation.

“Clause 5 sets out various provisions relating to the application for, and grant of, a licence by the Monetary Authority. The application must be accompanied by a non-refundable fee. A licence cannot be granted in respect of a money services business which does not have, in the Islands, a place of business approved by the Authority but, once granted, the licence authorises the carrying on of money services business within the Islands.

“Clause 6 prohibits the grant of a licence to a person whose net worth is less than \$30,000.

“Clause 7 makes it an offence for a person other than a licensee to receive money for the purpose of carrying on money services business within the Islands.

“By virtue of clause 8, licensees are required to maintain appropriate accounting records and systems of business control.

“Clause 9 requires a licensee to submit returns to the Monetary Authority.

“Clause 10 requires the accounts of a money services business to be audited annually, by a professional accountant, and forwarded to the Monetary Authority.

“Clause 11 requires a licensee to produce to the Monetary Authority an auditor’s certificate evidenc-

ing compliance with any Code of Practice issued under the Proceeds of Criminal Conduct Law, 1996.

“Clause 12 empowers the Monetary Authority to summon the auditor of a money services business for the purpose of enquiring into its financial position.

“Clause 13 requires the auditor of a money services business to notify the Monetary Authority if he proposes to resign.

“Clause 14 requires a licensee to notify the Monetary Authority before terminating the appointment of the auditor of the relevant money services business.

“Clause 15 enables the auditor of a money services business to disclose information to the Monetary Authority without breaching his duty.

“Clause 16 prohibits a licensee incorporated under the Companies Law from opening branch offices without approval from the Monetary Authority.

“Clause 17 requires a licensee to have a minimum of two directors approved by the Monetary Authority. The approval lapses if a director becomes bankrupt or is convicted of an offence involving dishonesty.

“Clause 18 sets out the powers and duties of the Monetary Authority under the Law, and these include -

- (a) maintaining a general review of money services business practice in the Islands; and
- (b) examining the affairs of any money services business in order to ensure that the law is being complied with and that the money services business is in a sound financial state.

“Where a money services business is unable to meet its obligations, the Monetary Authority has power, by virtue of clause 19, to revoke the relevant licence or appoint someone to assume control of the affairs of the business.

“Clause 20 specifies the criteria of prudent management which are to be observed by money services businesses.

“Where a money services business is being wound up voluntarily, the Monetary Authority has power, by virtue of clause 21, to apply to the Grand Court if the winding up is not being conducted in the best interests of customers.

“Clause 22 empowers the Chief Justice to make rules governing the procedure to be followed in respect of applications made to the Grand Court.

“Clause 23 enables a search of any premises, vehicle, vessel or aircraft for evidence of the commission of an offence against the Law.

“Clause 24 makes it an offence to supply false information to the Monetary Authority.

“Clause 25 prescribes a general penalty for the commission of offences where no other penalty is prescribed in the Law.

“Clause 26 enables the conviction of an officer of a body corporate in any case where an offence

under the legislation has been committed by the body corporate with the consent of the officer.

“Clause 27 deals with appeals to the Grand Court from decisions of the Authority.

“Clause 28 provides that the Monetary Authority shall not be liable in damages for anything done under the Law, unless bad faith can be shown.

“Clause 29 empowers the Governor in Council to make regulations for the purposes of the Law.

“Clause 30 empowers the Monetary Authority to give policy directions for the guidance of money services businesses.

“Clause 31 contains transitional provisions and would enable a money services business existing before the date of commencement of the legislation to continue operating, without a licence, for 3 months after that date. Thereafter, a licence would be required for further operation of the business.”

I commend this Bill to honourable members.

**The Speaker:** The question is that a Bill entitled the Money Services Bill, 2000, be given a second reading.

The Bill is open for debate. Does any member wish to speak? The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I have a brief enquiry. I don't think the Bill has said anything about what the licensing fees are going to be. Maybe the Honourable Financial Secretary will state that in his winding up.

**The Speaker:** The floor is open to debate. Does any other member wish to speak?

If no member wishes to speak, does the mover wish to exercise his right of reply? The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, the fees will have to be addressed by way of regulations. And it is a matter that the Honourable Attorney General will be taking a look at that aspect of it.

I would like to say thanks to honourable members for their support.

**The Speaker:** I shall now put the question that a Bill entitled the Money Services Bill, 2000 be given a second reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The Bill has accordingly been given a Second Reading.

**AGREED: THE MONEY SERVICES BILL 2000 GIVEN A SECOND READING.**

**The Speaker:** Bills, Second Reading.

## THE COOPERATIVE SOCIETIES (AMENDMENT) (CREDIT UNIONS) BILL, 2000

**The Clerk:** The Cooperative Societies (Amendment) (Credit Unions) Bill, 2000.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I beg to move the Second Reading of a Bill entitled the Cooperative Societies (Amendment) (Credit Unions) Bill, 2000.

As set out in the Memorandum of Objects and reasons, this Bill confers upon the Cayman Islands Monetary Authority responsibility for the supervision and regulation of credit unions. These supervisory and regulatory responsibilities were formally vested in the Registrar of Cooperative Societies as I mentioned earlier.

“Clause 1 provides the short title, and Clause 2 is the interpretation clause.

“Clause 3 inserts into the Cooperative Societies Law (1997 Revision) definitions of the term “credit union” and various other terms.

“Clause 6 inserts a new Part IVA into the Cooperative Societies Law, and clauses 4, 5 and 7 to 14 amend the principal Law as a consequence of that insertion.

“The new Part IVA is comprised of sections 37A to 37G and is entitled “Additional Provisions Relating to Credit Unions.” [The details of this can be found on pages 6 through 7 of the Bill.] “By virtue of section 37A, the provisions of Part IVA apply to credit unions only.

“By virtue of section 37B, credit unions are required to forward audited accounts to the Monetary Authority.

“Section 37C sets out the powers and duties of the Monetary Authority under the Law, and these include –

- (a) maintaining a general review of credit union business practice in the Islands; and
- (b) examining the affairs of any credit union in order to ensure that the Law is being complied with and that the credit union is in a sound financial state.

“Where a credit union is unable to meet its obligations, the Monetary Authority has power, by virtue of section 37D, to appoint someone to assume control of the union's affairs.

“Section 37E enables a search of any premises, vehicle, vessel or aircraft for evidence of the commission of an offence against Part IVA.

“Section 37F deals with appeals to the Grand Court from decisions of the Monetary Authority.

“Section 37G provides that the Monetary Authority shall not be liable in damages for anything done by it under Part IVA, unless bad faith can be shown.”

Mr. Speaker, I commend this Bill to honourable members.

**The Speaker:** The question is that a Bill entitled the Co-operative Societies (Amendment) (Credit Unions) Bill, 2000, be given a second reading.

The Bill is open for debate. Does any member wish to speak?

If no member wishes to speak, does the mover wish to exercise his right of reply? The Honourable Third Official Member.

**Hon. George A. McCarthy:** Once again to thank honourable members for their support.

**The Speaker:** The question is that a Bill entitled Co-operative Societies (Amendment) (Credit Unions) Bill, 2000 be given a Second Reading. Those in favour please say Aye. Those , No.

**AYES.**

**The Speaker:** The Ayes have it. The Bill has accordingly been given a Second Reading.

**AGREED: THE COOPERATIVE SOCIETIES (AMENDMENT) (CREDIT UNIONS) BILL 2000 GIVEN A SECOND READING.**

**The Speaker:** Bills, Second Reading.

**THE BUILDING SOCIETIES (AMENDMENT) (REGULATION BY MONETARY AUTHORITY) BILL, 2000**

**The Clerk:** The Building Societies (Amendment) (Regulation by Monetary Authority) Bill, 2000.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I beg to move the Second Reading of a Bill entitled the Building Societies (Amendment) (Regulations by Monetary Authority) Bill, 2000.

As set out in the Memorandum of Objects and Reasons this Bill amends the Building Societies Law (1997 Revision) for the purposes of conferring upon the Cayman Islands Monetary Authority responsibility for supervising and regulating building societies. These supervisory and regulatory responsibilities were formally vested in the Registrar of Companies.

**“Clause 1 provides the short title, and clause 2 is an interpretation clause.**

**“Clause 3 defines the term “Monetary Authority” for the purposes of the Law.**

**“Clause 4 requires a building society to forward its annual audits to the Monetary Authority (instead of to the Registrar).**

**“Clause 5 enables the Monetary Authority (instead of the Registrar) to determine the form and contents of a society’s annual statements.**

**“Clause 6 inserts new sections 32A to 32E into the principal Law. Section 32A sets out the powers and duties of the Monetary Authority under the principal Law, and these include examining the affairs of**

**a building society to ensure that the Law is being complied with and that the society is in a sound financial state.**

**“Where a building society is unable to meet its obligations, the Monetary Authority has power, by virtue of section 32B, at the society’s expense, to appoint someone to assume control of the society’s affairs.**

**“Section 32C enables a search of any premises, vehicle, vessel or aircraft for evidence of the commission of an offence against the principal Law.**

**“Section 32D deals with appeals to the Grand Court from decisions of the Monetary Authority.**

**“Section 32E provides that the Monetary Authority shall not be liable in damages for anything done by it under the principal Law, unless bad faith can be shown.**

**“Clauses 7 to 9 provide various offences as a consequence of the amendments effected by the Bill (for example, failure by a society to furnish information required by the Monetary).”**

Mr. Speaker, accordingly I commend this Bill to honourable members.

**The Speaker:** The question is that a Bill entitled the Building Societies (Amendment) (Regulation by Monetary Authority) Bill, 2000 be given a Second Reading.

The Bill is open for debate. Does any member wish to speak?

Does the mover wish to exercise his right of reply? The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, just to thank honourable members for their support.

**The Speaker:** The question is that a Bill entitled the Building Societies (Amendment) (Regulation by Monetary Authority) Bill, 2000 be given a Second Reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The Bill has accordingly been given a Second Reading.

**AGREED: THE BUILDING SOCIETIES (AMENDMENT) (REGULATION BY MONETARY AUTHORITY) BILL, 2000 GIVEN A SECOND READING.**

**The Speaker:** Bills. Second Reading.

**THE PENAL CODE (AMENDMENT) (ABOLITION OF THE DEATH PENALTY) BILL, 2000**

**The Clerk:** The Penal Code (Amendment) (Abolition of the Death Penalty) Bill, 2000.

**The Speaker:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** Mr. Speaker, I beg to move the Second Reading of the Bill entitled the Penal Code (Amendment) (Abolition of the Death Penalty) Bill, 2000.

**The Speaker:** Please go ahead.

**Hon. David F. Ballantyne:** This Bill would amend the Penal Code (1995 Revision) to abolish the last remnants of the death penalty in the islands. The only two offences for which the death penalty is still available are *treason* and *instigation of treason* which are contained respectively in sections 46 and 47 of the Penal Code. This Bill would amend that Penal Code to provide that the maximum punishment for both these offences is imprisonment for life as opposed to the death penalty.

Consequential amendments are contained in the Bill to other sections of the Penal Code which contain references to the death penalty.

For members of the House who are interested to know what treason covers, I thought it would be helpful just to give a brief explanation. The essence of treason is violation of the duty of allegiance which is owed to the sovereign. It is said to be due by all British subjects who are citizens of the UK and colonies or overseas territories wherever they are, and by aliens under the protection of the crown. It arose originally, you may be interested to know, by legislation in the UK in the year 1351 and more recently the Treason Act 1945 (I think) is one of the more recent pieces of legislation. The death penalty was still available for treason in the UK until recently. The death penalty was abolished in the UK in 1965 for murder and I understand has subsequently been abolished for treason. This measure would simply bring our law in line with that of the United Kingdom.

The only other offence for which the death penalty was available was piracy and since that the death penalty has been abolished in England for piracy, it correspondingly has been abolished here. This may seem somewhat academic to members of the House but it is considered important in fulfilment of the commitments contained in the White Paper. On that basis I would therefore commend this Bill to the House.

Thank you.

**The Speaker:** The question is that a Bill entitled the Penal Code (Amendment) (Abolition of the Death Penalty) Bill, 2000 be given a Second Reading.

The Bill is open for debate. Does any member wish to speak? No member wishes to speak? Does the mover wish to exercise his right of reply? The Honourable Second Official Member.

**Hon. David F. Ballantyne:** Thank you, Mr. Speaker I take it that in view of the attitude of members of the House that this measure is acceptable. Therefore, I have little to add except to say that it removes the last remnants of capital punishment and that would appear to have been accepted by the society in Cayman Islands.

**The Speaker:** The question is that a Bill entitled the Penal Code (Amendment) (Abolition of Death Penalty) Bill, 2000 be given a Second Reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The Bill has accordingly been given a Second Reading.

**AGREED: THE PENAL CODE (AMENDMENT) (ABOLITION OF DEATH PENALTY) BILL, 2000 GIVEN A SECOND READING.**

**The Speaker:** Bills. Second Reading.

**THE CRIMINAL PROCEDURE (AMENDMENT) (ABOLITION OF THE DEATH PENALTY) CODE, 2000**

**The Clerk:** The Criminal Procedure (Amendment) (Abolition of the Death Penalty) Code, 2000.

**The Speaker:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** I rise to move the Second Reading of a Bill entitled the Criminal Procedure (Amendment) (Abolition of the Death Penalty) Code, 2000.

This Bill would amend the Criminal Procedure Code (1995 Revision) to bring it in line with the proposed abolition of the death penalty under the penal code to which the House has recently addressed itself. This is a consequential amendment simply because the first schedule of the Criminal Procedure Code which contains details of the mode of trial of various offences also refers to the maximum penalty for those offences. Therefore, the reference to death in the Schedule requires to be removed and that would be the effect of this Bill.

Thank you.

**The Speaker:** The question is that a Bill entitled the Criminal Procedure (Amendment) (Abolition of the Death Penalty) Code, 2000 be given a second reading.

The Bill is opened for debate. Does any member wish to speak? No member wishes to speak? Does the mover wish to exercise his right of reply? The Honourable Second Official Member.

**Hon. David F. Ballantyne:** Thank you, Mr. Speaker. I again acknowledge the co-operation of the House in dealing with this matter.

**The Speaker:** The question is that a Bill entitled the Criminal Procedure (Amendment) (Abolition of the Death Penalty) Code, 2000 be given a Second Reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The Bill has accordingly been given a Second Reading.

**AGREED: THE CRIMINAL PROCEDURE (AMENDMENT) (ABOLITION OF THE DEATH PENALTY) CODE, 2000 GIVEN A SECOND READING.**

**The Speaker:** The House will now go into Committee to consider seven Bills—The Traffic (Amendment) (Driving while Intoxicated etc.) Bill, 2000 and six other Bills.

**HOUSE IN COMMITTEE AT 3.30 PM**

**COMMITTEE ON BILLS**

**The Chairman:** The House is now in Committee. With the leave of the House may I assume that as usual we should authorise the Second Official Member to correct minor errors and such the like in these Bills?

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

**THE TRAFFIC (AMENDMENT) (DRIVING WHILE INTOXICATED ETC.) BILL, 2000**

**The Clerk:** The Traffic (Amendment) (Driving while Intoxicated etc.) Bill, 2000.

Clause 1. Short title

Clause 2. Amendment of section 2 definitions.

Clause 3. Amendment of section 43—Permits for omnibus and taxi-drivers.

Clause 4. Repeal of sections 71 and substitution driving under the influence of alcohol and drugs.

Clause 5. Insertion of new sections 71(A) and (B) driving or being in charge of a motor vehicle while under the influence of alcohol or drugs and causing death, breath tests.

**The Chairman:** The question is that Clauses 1 through 5 do stand part of the Bill. Open to debate.

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I wish to put you on notice that I will be talking about the amendment I mentioned this morning in the debate but I intend to do that at the end of Clause 13.

**The Chairman:** Is there any further debate?

The Honourable Second Official Member.

**Hon. David F. Ballantyne:** Before we move off Clause 4, perhaps I should say that there was some mention, in the debate I believe, about a question of a minimum period of disqualification on a second or subsequent offence. I should point out for the benefit of the House that it would be possible to specify a minimum period in my opinion for disqualification on a second offence. I believe if my memory serves me correctly that is the case in the United Kingdom—that if you are convicted of a second offence of driving while under the influence of alcohol,

you are liable to a minimum longer period than you would be for a first offence.

I don't wish to intervene unnecessarily. That is all I want to say. You could, for example, say that on a second offence disqualification from driving should be for a period of three years or such longer period. You could say on a third offence that disqualification be for life. But I am merely raising this, not to interfere with the minister's Bill. I hope he understands that this is offered in a spirit of endeavouring to give the legislation whatever the appropriate force as decided by the House.

**The Chairman:** Do you care to repeat the wording so the Clerk can take it down?

**Hon. David F. Ballantyne:** I can if the minister wishes me to.

**Hon. Thomas C. Jefferson:** Mr. Chairman.

**The Chairman:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I have always felt that we should leave the interpretation of the Law to what the judge decides, rather than putting minimums or maximums within the Law. In principle that is where I am.

**The Chairman:** It is your Bill. So that's—  
The Honourable Second Official Member.

**Hon. David F. Ballantyne:** I have no desire to circumscribe the discretion of the judiciary either, on the other hand, I am duty bound, I think, to bring what experience I have got to the issue. I was about to say that on the third offence, you can, if you wish, consider disqualifying for life from driving. These may seem rather strong and it may be that in due course the jurisdiction will come to that or it may not. I don't have any difficulty leaving the matter with a judge, however it does get the message across to second or subsequent offenders if there is a higher tariff of disqualification.

The one word that I would suggest as a positive amendment to the legislation is that the disqualification be stated to be *mandatory*. That on a conviction for effectively drunk driving there should be no discretion. I think that is the intention, but I would suggest the addition of the word 'mandatory' before the word 'disqualification' in what will be section 71(2)(c). I think that is the intention. If I am wrong about that, then the minister will no doubt—

**The Chairman:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I think it is the general understanding that persons who are found to be driving while intoxicated do have at least a mandatory judgment of losing their licence for twelve months. In some cases,

the Law goes on to say twelve months or more. That is the discretion I was talking about.

**Mr. D. Kurt Tibbetts:** Certainly though, Mr. Chairman, regardless of whether it is an understanding or not, by way of legislation it must be better to make sure that it is crystal clear. So, I am saying, adding the word ‘*mandatory*’ certainly cannot harm the intention or the action of the legislation. I don’t see why that should not be added.

**Hon. Thomas C. Jefferson:** I was not suggesting that the word ‘*mandatory*’ should not be added. I was basically speaking to . . . I have no problem with the addition of the word ‘*mandatory*.’

**The Chairman:** The Honourable Second Official Member, would you care to move an amendment?

**Hon. David F. Ballantyne:** Mr. Chairman, I would move that the word “**mandatory**” be added before the word “disqualification” where it appears in Clause 4 of the Bill as it will be in section 71(2)(c). And I would suggest to make sense of that it should be “**mandatory disqualification from driving for a minimum period of 12 months or such longer period as the court may order.**” That would make more sense to put it that way so that it is clear that the mandatory part is the 12 months or such longer period as the Court may order. That would preserve the Court’s discretion to award such longer period as it considers appropriate.

Thank you.

**The Chairman:** Let us backtrack a minute. Let me put Clauses 1 through 3, do stand part of the Bill. It is open for debate. Is there no debate on Clauses 1 through 3? I will put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it. Clauses 1 through 3 do stand part of the Bill.

**AGREED: CLAUSES 1 THROUGH 3 PASSED.**

**The Chairman:** We have an amendment to Clause 4. Would you want to read it again Honourable Second Official Member?

**Hon. David F. Ballantyne:** Thank you. The amendment would be to subclause (c) of subsection (2) of section 71, which is on page 7 of the Bill at the top. I will read the entire clause with the amendment if that assists.

“**In addition to the above, on a first or any subsequent offence, to mandatory disqualification from driving for a minimum period of 12 months [so the word ‘mandatory’ would be added before the word ‘disqualification’, and the word ‘minimum’ would be added before the word ‘period’] or such longer period as the court may order.**”

That should have the effect of requiring a minimum 12 months disqualification for driving while intoxicated on a first or any subsequent offence.

**The Chairman:** The motion to amend Clause 4 is open for debate. Does any member wish to speak?

**Mr. W. McKeeva Bush:** Where are you putting this word, ‘mandatory’?

**Hon. David F. Ballantyne:** Before the word ‘disqualification’ Mr. Chairman.

**The Chairman:** Look on page 7, paragraph (c). Is there any debate?

**Mr. W. McKeeva Bush:** This word ‘*mandatory*’ I am worried a little bit about it. Looking at the Law here: Is this in connection with serious offences? Is this an accident with causing death or anything like that?

**Hon. David F. Ballantyne:** This is the offence of driving or being in charge of a motor vehicle while under the influence of alcohol or drugs. I am sorry I am looking at the wrong page.

**Mr. W. McKeeva Bush:** [*Inaudible comment*]

**Hon. David F. Ballantyne:** It is not imprisonment; it is disqualification from driving. That is my understanding. It is nothing new; it is just a case of making it absolutely clear.

**Mr. W. McKeeva Bush:** So AG what you are trying to do is to seek conformity with the rest of the Bill, is that what you are saying?

**Hon. David F. Ballantyne:** I believe so.

**Mr. W. McKeeva Bush:** Mr. Chairman, I cannot support that. I just said no but I will take my vote at this time. When you get to that point I am not going to vote for the *mandatory*.

**The Chairman:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Chairman. Just following up on what the First Elected Member for West Bay said. I wonder if the Second Official Member may be in a position to say precisely how the word ‘mandatory’ improves what is already there and why this seems to be necessary?

**The Chairman:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** In my opinion it makes it clear that there is no discretion as regards the disqualifi-



cation for 12 months. But if members think that is clear enough already then I have nothing further to add.

The point is that on fair reading of the provision it is possibly open to interpretation that the disqualification even for the period of 12 months is discretionary and not mandatory. But if the House is of the view—and this Bill belongs to the House and not to me—that the section implies that the 12 months is mandatory and that that is the way it will be dealt with, then I don't have a difficulty. I was simply trying to clarify the issue. It may be that I have muddied the waters by seeking to do that and if so I really don't want to do that.

My whole purpose is to make it plain. I think the legislation should say on the face of it what it means to say. And in my opinion if you say that it is mandatory to disqualify for a minimum of twelve months, but the court has a discretion to disqualify for longer, you are making it clearer. But that is a judgment I would not want to make for you, a judgment that you should make for yourself.

Thank you.

**Mr. W. McKeeva Bush:** Mr. Chairman, I would rather see the maximum of 12 months and then give the Court the discretion whether it would be six months but giving the court some discretion. So, that is really my argument.

**Mr. Linford A. Pierson:** Mr. Chairman.

**The Chairman:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** The only reason I raised that is that reading it, it seems that it is quite clear that it is not discretionary. If it is based on the question of discretion that you want to clarify, then one could even extend into (a) and (b) and say, (a) should it not be that on the first offence a mandatory fine of \$1,000? Or, subsection (b) to a mandatory fine of \$2,000. I mean we could extend this to a ridiculous extent and I am sure that is not the intention. That is why I was wondering whether it was not already sufficiently clear that it was not a discretion that it was, in fact, already understood that the disqualification was mandatory.

**The Chairman:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** I can see the point being made. I will withdraw what I have said about mandatory. But my own position would be met if the word 'minimum' was inserted in front of the word 'period'—'for a minimum period of twelve months.' That would not meet the objection of the First Elected Member for West Bay who would want to have the court have a discretion on this. That illustrates the point that if the legislation as drafted appears to give a discretion to some and not to others then it would be desirable to have some clarity.

All I will say (and I don't really want to dwell on this further than it is necessary) is that many places have acknowledged the desirability of having a minimum pe-

riod of disqualification for 12 months for driving while under the influence of alcohol. I believe, if I may say so, with due deference to the minister, that is the intention of this legislation. But I stand to be corrected if necessary on that point. If that is the intention of the legislation then I think the word 'minimum' before the word 'period' would satisfy my concerns.

**The Chairman:** Do you wish to amend your amendment then?

**Hon. David F. Ballantyne:** Yes, Mr. Chairman, I will delete the part of the amendment relating to the insertion of the word 'mandatory' before the word 'disqualification' and move the insertion of the word 'minimum' before the word 'period' where it occurs in that subsection.

**The Chairman:** The amendment to the amendment is open for debate. Does any member wish to debate it?

**Mr. W. McKeeva Bush:** Mr. Chairman, I would rather see some discretion in the hands of the court on the maximum side not the minimum. I think what the Attorney General is saying, and I hope I am correct in understanding, is that they can charge \$1000 or \$2000 but nothing less. They can charge more. Am I right?

**The Chairman:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** On my reading of (a) and (b) the liability is to a fine of \$1000 or a term of imprisonment of six months or both. On a second or subsequent offence a fine of \$2000. So those are the *maxima* to my mind under (a) or (b). I am trying to suggest that it would be appropriate to have a minimum period of disqualification of 12 months for driving while intoxicated. But I haven't to add it is only a suggestion and it is a matter really for members of the House. If the House reads this subsection (c) as meaning that, then I will leave the matter alone.

**Mr. Linford A. Pierson:** Mr. Chairman.

**The Chairman:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Just to say that on subsection (c) I totally agree with the Second Official Member that the mandatory part can be deleted. I would also feel that because the second two lines read, "**driving for a period of 12 months or such longer period as the court may order**" they suggest already that the 12 months is a minimum period.

**The Chairman:** Is there any further debate? The Second Official Member.

**Hon. David F. Ballantyne:** I would not disagree with the interpretation placed by the Third Elected Member for

George Town. My motivation was to have clarity and if members think it is sufficiently clear then I am content.

**The Chairman:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** My suggestion, Mr. Chairman, is to leave the Bill the way it is. Let's move on.

**The Chairman:** If that is the case, will the Honourable Second Official Member withdraw your amendment?

**Hon. David F. Ballantyne:** Mr. Chairman, I said at the outset I was only trying to assist and I will withdraw the amendment.

**The Chairman:** The amendment to Clause 4 has been withdrawn. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENT TO CLAUSE 4 WITHDRAWN**

**Mr. W. McKeeva Bush:** Just let me get an understanding of where government is going. Government is saying that you are going to do a mandatory here. I heard the words the AG said. He was making it clear that it would be conforming to the Law. Government in this Bill has said that the board can have discretion in giving a man an opportunity to go out and make a living if his business depends on his driving. But you are saying here that if he is caught under the influence of alcohol the court must take away that licence.

It is a little bit confusing to me and it is because we have not had a chance to study this Bill properly. In fact all the Bills because they are all on white paper and have not been printed otherwise. Maybe somebody can explain this rationale, but I am only one I cannot hold up the business. Outside of that I will do what I have to do on that particular clause.

**Hon. Thomas C. Jefferson:** I think it is proper to say that the discretion that we are trying to give to the Public Transport Board is going to be found in section 43, subsection (3), which at the present time the Law basically says that the Public Transport Board will not entertain any application for renewal from any taxi driver who has been found by the court driving while intoxicated. The discretion that we have here is that the Public Transport Board will look at the specific case. It may be that the vehicle was being used for his own private use, but in any case all we are trying to do is to reduce the five years to three years and then to give some discretion to the board.

**The Chairman:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** As I said, it is confusing to me because on the one hand you are giving the board discretion, but you are saying you cannot give the court discretion. I don't know.

*[Inaudible comment]*

**Mr. W. McKeeva Bush:** Well, you explain to me how it is.

**The Chairman:** The Honourable Second Official Member.

**Mr. W. McKeeva Bush:** Maybe the Attorney General can explain it.

**Hon. David F. Ballantyne:** Well, I was only going to give you what is contained in the present section 71 of the Traffic Law, which is in the same section dealing with driving vehicle when intoxicated. It says, "**A person who drives or attempts to drive [I am just reading it short] when he is under the influence of drugs or alcohol to such an extent that his efficiency as a driver is impaired, is guilty of an offence and liable on summary conviction on a first offence, to a fine of \$1000 or to a term of imprisonment of 6 months, or on a second or subsequent offence, to a fine of \$2000 or to a term of imprisonment of 12 months. In any event whoever is convicted of an offence under this subsection is disqualified from holding or obtaining a driver's licence for 12 months or such longer period as the court in its discretion may order and the particulars of the offence shall be endorsed on his driver's record.**"

So, if the new section is read—and I accept that it can be read in that way—as implying that the disqualification is for twelve months or such longer period then it is the same as the existing provision in the Law. It might have taken us a little while to come to a circle but I believe that is where we are.

To the extent I have led the circle I crave the indulgence of the House to simply say that the Law should be as clear as possible and we should try to ensure that is the case. If it is clear, and I accept the view of the House, then that is fine. I have nothing more to say.

**The Chairman:** Is there further debate? The amendment to the amendment has been withdrawn. I shall now put the question that Clause 4 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it. Clause 4 do stand part of the Bill.

**Mr. W. McKeeva Bush:** May I have a division, Mr. Chairman? I do that simply because I have not had the chance to get a full understanding of the whole thing.

**The Chairman:** Certainly. Madam Clerk would you call a division, please?

**DIVISION NO. 14/99**

**AYES: 13**

Hon. James M. Ryan  
 Hon. David F. Ballantyne  
 Hon. George A. McCarthy  
 Hon. Truman M. Bodden  
 Hon. Thomas C. Jefferson  
 Hon. John B. McLean  
 Mr. John D. Jefferson, Jr.  
 Mr. D. Kurt Tibbetts  
 Mr. Linford A. Pierson  
 Dr. Frank McField  
 Miss Heather D. Bodden  
 Mr. Roy Bodden  
 Mrs Edna Moyle

**NOES: 0**

**ABSENTEES:**

Hon. Anthony S. Eden  
 Hon. J. O'Connor-Connolly  
 Mr. D. Dalmain Ebanks

**ABSTENTION**

\*Mr. W. McKeeva Bush

*\*Mr. W. McKeeva Bush: How would I get an abstention recorded if I didn't call a division?*

*[Members' inaudible interjections and laughter]*

**The Chairman:** The result of the division: 13 Ayes, no Noes, 1 Abstention and 3 Absent.

**AGREED BY MAJORITY: CLAUSE 4 PASSED.**

**The Chairman:** I shall now put the question on Clause 5. It is open to debate. The question is that Clause 5 do stand part of the Bill.

No debate? I will put the question that Clause 5 stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 5 PASSED.**

**The Clerk:** Clause 6. Repeal of section 72 and substitution – Provisions of specimens for analysis.

Clause 7. Insertion of section 72(A) – Protection for hospital patients.

Clause 8. Amendment of section 73 – Retention of vehicles.

Clause 9. Insertion of section 73(A) – Interpretation of sections 71 to 73.

Clause 10. Amendment of section 78 – Ticket offences.

Clause 11. Amendment of section 79 – Ticket procedure.

Clause 12. Amendment of section 94 – Parking at yellow lines.

Clause 13. New sections 103(A) and (B) – Disabled Person's badge, school zones.

**The Chairman:** The question is that Clauses 6 through 13 do stand part of the Bill. It is open for debate.

The First Elected Member for West Bay—you are on Clause 13, right?

**Mr. W. McKeeva Bush:** Yes. In the debate I made mention of speed bumps in subdivisions. I am wondering whether this is the right place for it, but nevertheless it is something that we have been talking about for many years and we cannot get an agreement on it. I certainly believe it is needed and I don't think I need to go through what I said in the debate.

I believe that we should agree to put in these speed bumps. I did mention it to the Attorney General but he had some concerns. Maybe the government, can at this time say what those concerns are.

**The Chairman:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** At first sight it might be a fairly straight forward matter—just to make provision for designation of zones or parts of a road on which speed reducing measures could be introduced. It would require a regulation-making power, however, to describe the design and method of installation of these speed-reducing measures. Consideration would also have to be given to the provision of traffic signs to draw attention to the fact that this was a zone or area in which speed reducing measures had been employed.

There is the further aspect of potential liability. There has been case law apparently in the United Kingdom whereby drivers have fractured skulls by going over speed bumps at an excessive speed. There is an issue of liability. Speed bumps have to be constructed accurately and properly, and the attention of the public has to be properly drawn to them.

So, the advice that I received from the Legislative Council is that this is not something that should be done on the basis of a few notes made in addition to a Bill. It is something that should be carefully drafted and should follow the experience of others who have introduced these kinds of measures.

It is my suggestion—running out of the desire to make too many suggestions—that the government might undertake to ask that the draftsman prepare an amendment to this with a view to early enactment in a properly and fully considered way as I am sure the First Elected Member for West Bay would wish.

Thank you.

**The Chairman:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Chairman. The Second Official Member mentioned about signs and this question is addressed to the minister responsible for transportation. We have had a number of requests—and I am quite sure he has probably been approached along the same lines for signs in connection with speeding in areas where children play and live. I recall speaking to Public Works just the other day asking if they had signs saying, ‘Children at Play. Drive Carefully’ or whatever. I was told that they don’t exist. All they could do was to put in a speed sign to remind people what the speed limit is in that particular area: that, to me is not good enough. I wonder if this is not something that could be addressed in connection with some of these amendments.

**The Chairman:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** I would undertake and commit to seeing whether these signs can be not only made, but also erected in these specific areas.

**The Chairman:** Any further debate?  
The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I heard what the Attorney General said. Is that the position then of the Minister responsible for the Bill?

**The Chairman:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** The position of the minister is that I think it should be done. It is important that it be done properly—that we evaluate all the ramifications of it including public liability. But I believe we at this stage should say to Public Works, ‘*Move on with the entire exercise of trying to finalise some kind of design*’ and simultaneously say to the First Legislative Council, if that is the correct person, ‘*to let us get on with drafting some amendment to the Law to allow this to happen*’.

**The Chairman:** Is there any further debate? The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I hope that they will proceed with it because this is something we have been talking about for a long time. I know there was reluctance on the part of that side—I think Public Works got their instructions from police and police got their instructions from someone in the Glass House.

Now, I just heard the Attorney General say that the Legislative Council has given us some advice. So, hopefully we will hear about a Bill for the new session, when some of us come back.

**The Chairman:** I will put the question that Clauses 6 through 13 do stand part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 6 THROUGH 13 PASSED.**

**The Clerk:** A Bill for a Law to amend the Traffic Law (1999 Revision) to amend the Law relating to omnibus and taxi-drivers permits; to amend the Law relating to driving while intoxicated; to provide for specified parking spaces for disabled drivers; to amend the Law relating to ticketing offences; and to provide for the designation of school zones and for incidental and connected purposes.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

#### **THE MONETARY AUTHORITY (AMENDMENT) (REGULATION OF NON-BANK FINANCIAL INSTITUTIONS) BILL, 2000**

**The Clerk:** The Monetary Authority (Amendment) (Regulation of Non-Bank Financial Institutions) Bill, 2000

Clause 1. Short title.

Clause 2. Interpretation.

Clause 3. Amendment of section 2—Definitions.

Clause 4. Amendment of section 30—Relations with banks and other financial institutions.

Clause 5. Amendment of section 42—Confidentiality.

Clause 6. Amendment of Schedule—Regulation of banks, trust companies, company management, insurance companies, mutual funds, money services businesses, credit unions and building societies.

**The Chairman:** The question is that Clauses 1 through 6 do stand part of the Bill. They are open for debate.

No debate, I will put the question that Clauses 1 through 6 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 THROUGH 6 PASSED.**

**The Clerk:** A Bill for a Law to amend the Monetary Authority Law (1998 Revision) and to empower the Cayman Islands Monetary Authority to regulate money services businesses, credit unions and building societies.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

### **THE MONEY SERVICES BILL, 2000**

**The Clerk:** The Money Services Bill, 2000.

- Clause 1. Short title.
- Clause 2. Interpretation.
- Clause 3. Extent of the Law.
- Clause 4. Licence required to carry on money services business.
- Clause 5. Application for and grant of licence.
- Clause 6. Net worth requirements.
- Clause 7. Advertisements of money services business.
- Clause 8. Accounting records and systems of business control.
- Clause 9. Returns.
- Clause 10. Accounts.

**The Chairman:** The question is that clauses 1 through 10 do stand part of the Bill. It is open to debate.

If there is no debate, I will put the question that clauses 1 through 10 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 THROUGH 10 PASSED.**

**The Clerk:**

- Clause 11. Auditor's certificate.
- Clause 12. Authority may summon auditor.
- Clause 13. Auditor's notice of resignation.
- Clause 14. Notice of termination of auditor's appointment.
- Clause 15. Consequences of auditor's disclosure.
- Clause 16. Prohibitions on certain licensees.
- Clause 17. Number and approval of directors.
- Clause 18. Powers and duties of the Authority.
- Clause 19. Powers of Authority in respect of licensees.
- Clause 20. Criteria of prudent management.

**The Chairman:** The question is that clauses 11 through 20 do stand part of the Bill. It is open to debate.

No debate? I will put the question that Clauses 11 through 20 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 11 THROUGH 20 PASSED.**

**The Clerk:** Clause 21. Authority may apply to court to preserve customer's interest.

- Clause 22. Rules.
- Clause 23. Power of search.
- Clause 24. False or misleading information.
- Clause 25. General penalty.
- Clause 26. Offences by officers of corporate bodies.
- Clause 27. Appeals.
- Clause 28. Immunity.
- Clause 29. Regulations.
- Clause 30. Policy directions.
- Clause 31. Savings and transitional provisions.

**The Chairman:** The question is that Clauses 21 through 31 do stand part of the Bill. It is open to debate.

No debate. I will put the question that Clauses 21 through 31 do stand part of the Bill.

Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 21 THROUGH 31 PASSED.**

**The Clerk:** A Bill for a Law to require the licensing of money services' businesses to regulate the operation of such businesses and to make provision for related matters.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

### **THE CO-OPERATIVE SOCIETIES (AMENDMENT) (CREDIT UNIONS) BILL, 2000**

**The Clerk:** The Co-operative Societies (Amendment) (Credit Unions) Bill, 2000.

- Clause 1. Short title.
- Clause 2. Interpretation.
- Clause 3. Amendment of section 2—Definitions.
- Clause 4. Amendment of section 34—Disposal of dividends and bonus.
- Clause 5. Amendment of section 35—Reserve funds.
- Clause 6. Insertion of Part IVA—Additional provisions relating to credit unions.

Clause 7. Amendment of Part V—Audit inspection and inquiry in respect of co-operative societies other than credit unions.

**The Chairman:** The question is that Clauses 1 through 7 do stand part of Bill. It is open to debate.

No debate, I will put the question Clauses 1 through 7 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 THROUGH 7 PASSED.**

**The Clerk:** Clause 8. Amendment of section 38—Audit.  
 Clause 9. Amendment of section 39—Power of registrar to inspect books of society other than credit union.  
 Clause 10. Amendment of section 40—Inquiry and inspection.  
 Clause 11. Amendment of Part VI—Dissolution of registered society other than credit union.  
 Clause 12. Amendment of section 51—Case stated on question of law.  
 Clause 13. Amendment of section 60—Offences.  
 Clause 14. Amendment of section 61—Punishment of fraud or misappropriation.

**The Chairman:** The question is that Clauses 8 through 14 do stand part of the Bill. It is open to debate.

No debate. I will put the question that Clauses 8 through 14 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 8 THROUGH 14 PASSED.**

**The Clerk:** A Bill for a Law to amend the Co-operative Societies Law (1997 Revision) to empower the Monetary Authority to regulate the operation of credit unions and to make provision for related matters.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

### **THE BUILDING SOCIETIES (AMENDMENT) (REGULATION BY MONETARY AUTHORITY) BILL, 2000**

**The Clerk:** The Building Societies (Amendment) (Regulation by Monetary Authority) Bill, 2000.

Clause 1. Short title.

Clause 2. Interpretation

Clause 3. Amendment of section 2—Definitions.

Clause 4. Amendment of section 21—Societies shall make annual audits and statements of the funds to the members.

Clause 5. Amendment of section 22—Form and contents of annual statements under section 21.

Clause 6. Insertion of sections 32A to 32E—Regulation of building societies by Monetary Authority.

Clause 7. Amendment of section 42—Punishment of fraud and withholding money etcetera.

Clause 8. Amendment of section 45—Falsifying document required to be sent to Registrar.

Clause 9. Amendment of section 46—Neglect or refusal to perform duties.

**The Chairman:** The question is that Clauses 1 through 9 do stand part of the Bill. It is open for debate.

No debate? I will put the question that Clauses 1 through 9 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 THROUGH 9 PASSED.**

**The Clerk:** A Bill for a Law to amend the Building Societies Law (1997 Revision) to empower the Monetary Authority to regulate the operation of building societies and to make provision for related matters.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

### **THE PENAL CODE (AMENDMENT) (ABOLITION OF THE DEATH PENALTY) BILL, 2000**

**The Clerk:** The Penal Code (Amendment) (Abolition of the Death Penalty) Bill, 2000.

Clause 1. Short title.

Clause 2. Amendment of section 21 of the Penal Code (1995 Revision)—different kinds of punishment.

Clause 3. Repeal of section 22—sentence of death.  
 Clause 4. Amendment of section 35—security for keeping the peace.  
 Clause 5. Amendment of section 36—security for coming up for judgment.  
 Clause 6. Amendment of section 39—sentence accumulative unless otherwise ordered.

**The Chairman:** The question is that Clause 1 through 6 do stand part of the Bill. It is open to debate.  
 The Elected Member for North Side.

**Mrs. Edna Moyle:** I would just ask the Honourable Second Official Member: we are deleting section 22. Sub-section (2) of section 22 refers to someone under the age of 18 years who would be serving at the pleasure of the Governor. If we are going to delete this entire section how would we deal with this type of offence or is there another section in the Law that deals with it?

**The Chairman:** The Second Official Member.

**Hon. David F. Ballantyne:** This section only applies when any person is sentenced to death and therefore, to my recollection, are other provisions dealing with other offences or other punishments applying to persons under the age of 18.

**Mrs. Edna Moyle:** But what I am speaking about here, Mr. Chairman, is if a child under the age of 18 years old commits murder.

**The Chairman:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** Mr. Chairman, this section deals with where a sentence of death would be pronounced but for the fact that the person is under the age of 18 it will not apply in future because there will be no sentence of death. Although I have not had the opportunity of verifying the other elements of the Penal Code, it can only apply in my opinion to where the sentence of death would have pronounced. It won't affect the other disposition of the Law in relation to persons under 18.

Should that prove to be the case, it would be necessary to amend the Law in that regard. But my reading of it, and with the notice that I have had of the matter, that is my view.

**Mrs. Edna Moyle:** Mr. Chairman, my other question and I spoke to the Second Official Member about this before, is where we are amending section 39. Do we still have judicial corporal punishment on our books—because it refers to corporal punishment in section 39?

**The Chairman:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** It is my understanding that the House abolished judicial corporal punishment some-

time ago and therefore the reference to corporal punishment there is otiose. It is in addition to what is necessary.

**Mrs. Edna Moyle:** I have not gone to Law school as yet.

**Hon. David F. Ballantyne:** Well, I would like to say that I would hope that should you wish to do so that you could be accommodated. But I think the answer to the question would be to, where we are amending section 39, to address your concern would be to remove the words '*or corporal punishment*' as well as the reference to sentence of death.

**Mrs. Edna Moyle:** So, you need to move the amendment to delete it.

**Hon. David F. Ballantyne:** Well I can, or you may, but I agree—I think it is simply a drafting oversight.

**The Chairman:** Could you do that as a typographical error?

**Hon. David F. Ballantyne:** If the House agreed that it could be done that way, but I don't think it really is.

**Mrs. Edna Moyle:** Mr. Chairman, I really do not see how the deletion of words that are now contained in a law can be considered a typographical error. It is into the Law not into the amendments that are coming before us.

**Hon. David F. Ballantyne:** I think the simpler answer would be to incorporate it in the amendment of section 39 that is contained in this Bill.

**The Chairman:** If we are going to amend Clause 6 I will go back and put the question that Clauses 1 through 5 do stand part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it. Clauses 1 through 5 do stand part of the Bill.

**AGREED: CLAUSES 1 THROUGH 5 PASSED.**

**The Chairman:** Do you wish to make an amendment to Clause 6?

The Honourable Second Official Member.

**Hon. David F. Ballantyne:** In addition to the words, "**other than a sentence of death**" I would move that we add the words "**or corporal punishment.**"

**The Chairman:** The amendment to Clause 6 is now open for debate.

**The Clerk:** The amendment to Clause 6 is by the insertion of the words "**or corporal punishment**" at the end of Clause 6.

**The Chairman:** The amendment to Clause 6 is open to debate. Does any Member wish to debate it?

No debate. I will put the question on the amendment to Clause 6. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it. Clause 6 is amended.

**AGREED: AMENDMENT TO CLAUSE 6 PASSED.**

**The Chairman:** I will now put the question that Clause 6 as amended, do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 6 AS AMENDED PASSED.**

**The Clerk:** Clause 7. Amendment of section 42—community service orders.

Clause 8. Amendment of section 46—Treason by the Law of England.

Clause 9. Amendment of section 47—Instigating treason.

Clause 10. Amendment of section 61—Unlawful oaths to commit capital offences.

Clause 11. Amendment of section 62 of the principal law—Unlawful oaths to commit offences.

Clause 12. Amendment of section 110—Rescue.

**The Chairman:** The question is that Clauses 7 through 12 do stand part of the Bill. It is open to debate.

No debate. I will put the question that clauses 7 through 12 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 7 THROUGH 12 PASSED.**

**The Clerk:** A Bill for a Law to amend the Penal Code (1995 Revision) to abolish the death penalty and for incidental and connected purposes.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

## **THE CRIMINAL PROCEDURE (AMENDMENT) (ABOLITION OF THE DEATH PENALTY) CODE, 2000**

**The Clerk:** The Criminal Procedure (Amendment) (Abolition of the Death Penalty) Code, 2000.

Clause 1. Short title.

Clause 2. Amendment of the Criminal Procedure Code (1995 Revision)—Treason and the death penalty.

**The Chairman:** The question is that Clauses 1 and 2 do stand part of the Bill. It is open to debate.

No debate. I will put the question that Clauses 1 and 2 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 AND 2 PASSED.**

**The Clerk:** A Bill for a Law to amend the Criminal Procedure Code (1995 Revision) to provide for the abolition of the death penalty and for incidental and connected purposes.

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

**The Chairman:** That concludes proceedings in Committee on a Bill entitled the Traffic (Amendment) (Driving while Intoxicated etc.) Bill 2000 and six other bills.

The question is that the Committee do report to the House. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it. The House will resume.

**AGREED: COMMITTEE TO REPORT TO THE HOUSE.**

**HOUSE RESUMED— 4.29 PM**

**The Speaker:** Please be seated. Proceedings are resumed. Bills Reports.

The Honourable Minister for Tourism, Commerce, Transport and Works.



## REPORTS ON BILLS

### THE TRAFFIC (AMENDMENT) (DRIVING WHILE INTOXICATED ETC.) BILL, 2000

**Hon. Thomas C. Jefferson:** Thank you, Mr. Speaker. I have to report that a Bill entitled the Traffic (Amendment) (Driving while Intoxicated etc.) Bill, 2000 was considered by a committee of the whole House and passed without amendment.

**The Speaker:** The Bill has accordingly been set down for Third Reading.

Reports. The Honourable Third Official Member.

### THE MONETARY AUTHORITY (AMENDMENT) (REGULATIONS OF NON-BANK FINANCIAL INSTITUTIONS) BILL, 2000

**Hon. George A. McCarthy:** I am to report that a Bill entitled the Monetary Authority (Amendment) (Regulations of Non-bank Financial Institutions) Bill, 2000 was considered by a committee of the whole House and passed without amendment.

**The Speaker:** The Bill has accordingly been set down for Third Reading.

Reports. The Honourable Third Official Member.

### THE MONEY SERVICES BILL, 2000

**Hon. George A. McCarthy:** I am to report that a Bill entitled the Money Services Bill, 2000 was considered by a committee by the whole House and passed without amendment.

**The Speaker:** The Bill has accordingly been set down for Third Reading.

Reports. The Honourable Third Official Member.

### THE COOPERATIVE SOCIETIES (AMENDMENT) (CREDIT UNIONS) BILL, 2000

**Hon. George A. McCarthy:** I am to report that a Bill entitled the Co-operative Societies (Amendment) (Credit Unions) Bill, 2000 was considered by a committee of the whole House and passed without amendment.

**The Speaker:** The Bill has accordingly been set down for a Third Reading.

Reports. The Honourable Third Official Member.

### THE BUILDING SOCIETIES (AMENDMENT) (REGULATION BY MONETARY AUTHORITY) BILL, 2000

**Hon. George A. McCarthy:** I am to report that a Bill entitled the Building Societies (Amendment) (Regulation by Monetary Authority) Bill, 2000 was considered by a committee of the whole House and passed without amendment.

**The Speaker:** The Bill is accordingly set down for Third Reading.

Reports. The Honourable Second Official Member.

### THE PENAL CODE (AMENDMENT) (ABOLITION OF THE DEATH PENALTY) BILL, 2000

**Hon. David F. Ballantyne:** I have to report that a Bill entitled the Penal Code (Amendment) (Abolition of the Death Penalty) Bill, 2000, was considered by a committee of the whole House and was passed with amendment.

**The Speaker:** The Bill has accordingly been set down for Third Reading.

Reports. The Honourable Second Official Member.

### THE CRIMINAL PROCEDURE (AMENDMENT) (ABOLITION OF THE DEATH PENALTY) CODE, 2000

**Hon. David F. Ballantyne:** I have to report that a Bill entitled the Criminal Procedure (Amendment) (Abolition of the Death Penalty) Code, 2000, was considered by a committee of the whole House and passed without amendment.

**The Speaker:** The Bill is accordingly set down for Third Reading. Bills, Third Readings.

### SUSPENSION OF STANDING ORDER 47

**Hon. Thomas C. Jefferson:** I beg to move the suspension under Standing Order 83 the suspension of Standing Order 47 to allow the Third Readings to be taken.

**The Speaker:** I shall put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.  
Bills, Third Reading.

**AGREED: STANDING ORDER 47 SUSPENDED.**

## THIRD READINGS

### THE TRAFFIC (AMENDMENT) (DRIVING WHILE INTOXICATED ETC.) BILL, 2000

**The Clerk:** The Traffic (Amendment) (Driving while Intoxicated etc.) Bill, 2000.

**The Speaker:** The Honourable Minister for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Thank you, Mr. Speaker. I move the Traffic (Amendment) (Driving while Intoxicated etc.) Bill, 2000 be given a Third Reading and passed.

**The Speaker:** The question is that a Bill entitled the Traffic (Amendment) (Driving while Intoxicated etc.) Bill, 2000 be given a Third Reading and do pass. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE TRAFFIC (AMENDMENT) (DRIVING WHILE INTOXICATED ETC.) BILL, 2000 GIVEN A THIRD READING AND PASSED.**

**THE MONETARY AUTHORITY (AMENDMENT)  
(REGULATION OF NON-BANK FINANCIAL  
INSTITUTIONS) BILL, 2000**

**The Clerk:** The Monetary Authority (Amendment) (Regulation of Non-Bank Financial Institutions) Bill, 2000.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I beg to move that a Bill entitled the Monetary Authority (Amendment) (Regulation of Non-Bank Financial Institutions) Bill, 2000 be given a Third Reading and passed.

**The Speaker:** The question is that a Bill entitled the Monetary Authority (Amendment) (Regulation of Non-Bank Financial Institutions) Bill, 2000 be given a Third Reading and do pass.

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

**AYES.**

**The Speaker:** The Ayes have it. The Bill has been given a Third Reading and passed.

**AGREED: THE MONETARY AUTHORITY (AMENDMENT) (REGULATION OF NON-BANK FINANCIAL INSTITUTIONS) BILL, 2000 GIVEN A THIRD READING AND PASSED.**

**THE MONEY SERVICES BILL, 2000**

**The Clerk:** The Money Services Bill, 2000.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I beg to move that a Bill entitled the Money Services Bill, 2000 be given a Third Reading and passed.

**The Speaker:** The question is that a Bill entitled the Money Services Bill, 2000 be given a Third Reading and do pass.

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

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE MONEY SERVICES BILL, 2000 GIVEN A THIRD READING AND PASSED.**

**THE COOPERATIVE SOCIETIES (AMENDMENT)  
(CREDIT UNIONS) BILL, 2000**

**The Clerk:** The Cooperative Societies (Amendment) (Credit Unions) Bill, 2000.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I beg to move that a Bill entitled the Cooperative Societies (Amendment) (Credit Unions) Bill, 2000, be given a Third Reading and passed.

**The Speaker:** The question is that a Bill entitled the Cooperative Societies (Amendment) (Credit Unions) Bill, 2000, be given a Third Reading and do pass.

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

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE COOPERATIVE SOCIETIES (AMENDMENT) (CREDIT UNIONS) BILL, 2000 GIVEN A THIRD READING AND PASSED.**

**THE BUILDING SOCIETIES (AMENDMENT) (REGULATION BY MONETARY AUTHORITY) BILL, 2000**

**The Clerk:** The Building Societies (Amendment) (Regulation by Monetary Authority) Bill, 2000.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** I beg to move that a Bill entitled the Building Societies (Amendment) (Regulation by Monetary Authority) Bill, 2000 be given a Third Reading and passed.

**The Speaker:** The question is that a Bill entitled the Building Societies (Amendment) (Regulation by Monetary Authority) Bill, 2000 be given a Third Reading and do pass.

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

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE BUILDING SOCIETIES (AMENDMENT) (REGULATION BY MONETARY AUTHORITY) BILL, 2000 GIVEN A THIRD READING AND PASSED.**

**THE PENAL CODE (AMENDMENT) (ABOLITION OF THE DEATH PENALTY) BILL, 2000**

**The Clerk:** The Penal Code (Amendment) (Abolition of the Death Penalty) Bill, 2000.

**The Speaker:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** I beg to move that a Bill entitled the Penal Code (Amendment) (Abolition of the Death Penalty) Bill, 2000, be given a Third Reading and passed.

**The Speaker:** The question is that a Bill entitled the Penal Code (Amendment) (Abolition of the Death Penalty) Bill, 2000 be given a Third Reading and do pass.

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

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE PENAL CODE (AMENDMENT) (ABOLITION OF THE DEATH PENALTY) BILL, 2000 GIVEN A THIRD READING AND PASSED.**

**THE CRIMINAL PROCEDURE (AMENDMENT) (ABOLITION OF THE DEATH PENALTY) CODE, 2000**

**The Clerk:** The Criminal Procedure (Amendment) (Abolition of the Death Penalty) Code, 2000.

**Hon. David F. Ballantyne:** Mr. Speaker, I beg to move that a Bill entitled the Criminal Procedure (Amendment) (Abolition of the Death Penalty) Code, 2000, be given a Third Reading and do pass.

**The Speaker:** The question is that a Bill entitled the Criminal Procedure (Amendment) (Abolition of the Death Penalty) Code, 2000, be given a Third Reading and do pass.

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

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE CRIMINAL PROCEDURE (AMENDMENT) (ABOLITION OF THE DEATH PENALTY) CODE, 2000 GIVEN A THIRD READING AND PASSED.**

**The Speaker:** That concludes items on today's Order Paper. I would now entertain a motion for the adjournment, but I would like to state that the First Elected Member for West Bay has asked to make a brief statement. But let us get the motion first.

**Hon. Truman M. Bodden:** Mr. Speaker, we were going to ask if we could have a 10-15 minute break, if possible, before we put the adjournment motion, please.

**The Speaker:** Certainly, we shall suspend proceedings for fifteen minutes.

**PROCEEDINGS SUSPENDED AT 4.37 PM**

**PROCEEDINGS RESUMED AT 6.25 PM**

**The Speaker:** Proceedings are resumed. Before we proceed I would like a motion for the suspension of Standing Order 10(2) for the records.

**SUSPENSION OF STANDING ORDER 10(2)**

**Hon. Truman M. Bodden:** Mr. Speaker, I so move.

**The Speaker:** The motion is made to suspend Standing Order 10(2) in order that proceedings can continue beyond 4.30 p.m. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: SUSPENSION OF STANDING ORDER 10(2) APPROVED.**

**The Speaker:** Government Business, Bills, I would appreciate the suspension of Standing Order 46.

The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**SUSPENSION OR STANDING ORDER 46**

**Hon. Julianna O'Connor-Connolly:** I move the suspension of the relevant Standing Order being Standing Order 46.

**The Speaker:** The question is that Standing Order 46 be suspended. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 46 SUSPENDED.**

**The Speaker:** Bills, First Reading.

**GOVERNMENT BUSINESS**

## BILLS

### FIRST READING

#### THE LABOUR (AMENDMENT) BILL, 2000

**The Clerk:** The Labour (Amendment) Bill, 2000.

**The Speaker:** The Bill has accordingly been set down for Second Reading.  
Bills, Second Reading.

### SECOND READING

#### THE LABOUR (AMENDMENT) BILL, 2000

**The Clerk:** The Labour (Amendment) Bill, 2000.

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Mr. Speaker, I beg to move the second reading of a Bill for a law to amend the Labour Law (2000 Revision) to provide for the payment of retirement/resignation allowances to certain employees and for incidental and connected purposes.

**The Speaker:** Please continue. You may speak to it.

**Hon. Julianna O'Connor-Connolly:** First of all, let me give my sincere thanks and expression of gratitude for all honourable members who saw it fit to stay this afternoon taking that against the background that there are many other priorities—important meetings and commitments. But it also signifies the importance on which each member places the labour legislation of this amendment albeit at this stage of the proceedings.

Suffice to say, Mr. Speaker, honourable members would recall that way back in July, by the way of Private Member's Motion 9/00 passed on the 17<sup>th</sup> July 2000. It was brought by the Third Elected Member from West Bay and the Fourth Elected Member from George Town.

This motion basically asked for Part V of the Labour Law (2000 Revision) to be amended in order to accommodate:

1. The voluntarily retirement and resignation of employees who have worked a minimum of one year and do not qualify for a pension entitlement under the Pension Law (1999 Revision), with a retirement and/or resignation entitlement of one week's wages at the employee's latest basic wage for each twelve-month period of his employment with his employer.
2. In the case of part-time employees their retirement shall be calculated on the basis of the ratio that their hours of employment bear to the standard work week.

Therefore, I am extremely pleased to be able to present these amendments here to this Labour Law (2000

Revision) as we believe that there are several claims for severance pay and compensation for unfair dismissal which the current law addresses but fails to address what we now seek to amend.

All other benefits and entitlements can be resolved only by the Director and the Labour Inspector's ability and/or persuasions when that fails by resolution in the summary court. It is government's view that in many instances these matters are nearly never ever resolved because as all honourable members will fully appreciate our courts will soon be bogged down if the myriad of complaints arising under the Labour Laws were resolved by prosecution and also the inherent cost of getting proper legal representation in bringing such claims to our courts. So, we felt that in all fairness and in the pursuit of equity, parity and natural justice that the best route forward would be by the route of this said amendments now before this honourable House.

All of us are duly aware that there are many cases where our older citizens have been compelled to voluntarily leave the work force usually by virtue of ill health. Most of these folks because of their age are not entitled to any pension and because the Labour Law presently restricts entitlements to severance pay to only those cases where the employment relationship is terminated by the employer, they are not entitled to severance pay. These workers are mainly in the hospitality industry, on all three islands, that is.

This amendment, I respectfully submit is based, as I said, on the motion moved by the two honourable members and it seeks to ensure that these workers who resign and/or retire for whatever reason will not be compelled to leave empty handed.

We will also see as we look at the substantive part of the motion the main area which will bring about the intent of the motion is set out in Part VA with the subtitle, retirement/resignation allowance.

Mr. Speaker, this basically says that an employee who (a) has worked for his employer for a period of one year or more, or (b) voluntarily resigns or retires from such employment, and (c) is not entitled to a pension under the National Pensions Law (2000 Revision), shall be paid (*it is mandatory, sir*) by the employer in addition to any other allowance or monies to which he is otherwise entitled a retirement/resignation allowance equal to one week's wages, at the employee's latest basic wage, for each completed twelve-month period of his employment with his employer, subject to a maximum of twelve weeks' pay.

So you see, Mr. Speaker, the Law also encapsulates the intent of the motion whereby there is a ceiling at the twelve weeks.

In the case of the part-time employees of which we have many in this jurisdiction, their entitlement, sir, to a retirement/resignation allowance shall be calculated on the basis of the ratio that his actual hours of employment bear to the standard work week which is already set out in the definition of the Labour Law (2000 Revision).

Also, should any question arise as to the date of retiring, as to whether or in what amounts the retire-

ment/resignation allowance is due to any such employee, then the employee or the employer or their respective representatives, may seek a resolution with the Director of Labour by filing a complaint as to the retirement/resignation allowance in writing to the Director of Labour. Should any question arise involving a group of employees, under similar circumstances, they may choose at their discretion to file a joint complaint.

It also goes on to make provision for the circumstances whereby there may be more than one complaint similar in nature, but filed around the same time, the director is given a discretion to consolidate it into single proceedings.

Finally, Mr. Speaker, by way of a consequential amendment emanating out of the substantive one that I just went through, section 74(1) of the principal law being the Labour Law (Revision 2000), is amended by inserting after the words, 'severance pay' the words 'section 46(A) retirement/resignation allowance.' I trust that all honourable members, albeit at this late hour of the day, would see it necessary to give their full support to this very important piece of labour legislation, which I believe will go down in the annals of history in these Cayman Islands.

I thank you, sir.

**The Speaker:** The question is that a Bill entitled the Labour (Amendment) Bill, 2000 be given a Second Reading. The motion is open for debate.

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you. Mr. Speaker, although just receiving copies of the Bill, I have been able to read it while the honourable minister was presenting it. I have just one question and I am not sure exactly about interpretation, but I need to understand this because I think it is important not only for the intent of the Bill once the legislation is passed but also for clarity.

Where it says that Part VA under the heading of retirement/resignation allowance is inserted as an amendment after Part V, section 46(a)(1) will say, "**An employee who- (a) has worked with his employer for a period of one year or more, and (b) voluntarily retires or resigns from such employment, and (c) is not entitled to a pension under the National Pensions Law (2000 Revision)**" . . . I want to understand what type of employee would not be entitled to any pension whatsoever, under the Pension Law (2000 Revision) because that is what this is saying to me—unless I am interpreting the Queen's English incorrectly.

It says, and I repeat, "**an employee who is not entitled to a pension.**" That means to me that there is no entitlement whatsoever under the Pension Law. If I understand this correctly, if anyone whether that person only has a short period of time or not, of eligibility under the Pension Law has any amounts whatsoever stored up via a pension from their earnings and the employer's contribution, then that makes that person ineligible for this section of the Law. That is my understanding and if that is not the intention, we need to get it cleared up now.

I will repeat one more time, it says, "**an employee who is not entitled to a pension**" and my understanding of a pension is that it can come in varying amounts depending on how long the tenure is of service, how much the earnings are, or what percentage of the earnings are being put aside and matched by the employer.

What this statement says is someone who has no entitlement whatsoever. So, I think it needs to be cleared up.

If that is the undertaking, then this in my view would only apply to someone who is not a Caymanian. I am not suggesting that that is the intention and perhaps it can be cleared up. I am only saying how I read it and I think we just need to get it clarified.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** What I am going to suggest is that we allow the minister to explain. That might be unorthodox, but this whole evening has been that. So, I think we should let her explain at this point where we are at—without her using her time for wind-up so that all who might want to say something would have that opportunity. I think what was raised needs to be clarified.

**The Speaker:** It is not in accordance with parliamentary procedure but in order to get an explanation I will allow the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture to explain.

**Hon. Julianna O'Connor-Connolly:** Thank you. Mr. Speaker, provided it is not setting a precedent, wherever there is a point I have to get up because it would be a waste of time for this honourable House to do that rather than doing it all as is customary in the winding-up. But if this is the main substantive point of objection, which members should know by this stage, then I will go ahead and say what the intention is as it relates to the relevant section of the—

**The Speaker:** This will be a one-time explanation I can assure you of that.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, if it is necessary so that we don't break protocol perhaps I could simply under a point of clarification ask for it to be done.

**Hon. Julianna O'Connor-Connolly:** Perhaps, if that is the situation we can deal with it at the committee stage if members are so minded.

**The Speaker:** That is a good suggestion.

The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. Let me say thanks to the Minister for Labour for her prompt response in dealing with the issue that was raised in private member's motion asking for government to amend the Labour Law to make some provision for those persons, in particular, who are employed in the hospitality

industry who are beyond the age where they would qualify for consideration of a pension. Under the recent National Pension Law that was passed that particular legislation only affects persons between the ages of 18 and 60 years of age.

Mr. Speaker, you and I are both aware that many of our people working out there are beyond the age of 60. It was felt that it would only be fair for them to be in a position where they receive something for their years of commitment and contribution after they have reached the age where they feel like they want to take it a little easier. The problem we had under the Labour Law was that there was no provision for an employee unless his services were terminated by the employer. If this amendment was not brought to the Labour Law, what you would have is that employers would have allowed persons just to continue working well beyond the age of 60 when under the National Pensions Law they would be entitled to a pension.

Mr. Speaker, they would try to avoid terminating the employment because they would have been obligated to pay the severance pay. Here, with this amendment the employee has the option of saying, *'You know, I have put in my 10 - 15 years, I have now reached the age of 65'* and there are some persons still in the industry employed who have reached even the age of 70 years of age. It gives those persons an opportunity to be able to say, *'I want to be able to enjoy my golden years, those few years that I have left, and I would like to have the option of retiring or resigning and be entitled to the same provisions under the Labour Law as someone whose services were terminated by the employer.'*

I would like to say thanks to the minister for her prompt and efficient manner in dealing with this issue. This is a very happy day for me as a representative, and I am quite sure it is a very happy day as well for those senior citizens out there who are waiting for this particular piece of legislation to come into effect. At least they have an option with regards to continuing their employment or exercising their option of resigning or retiring and walking away with something under the Labour Law.

At the present time, the amendment would allow the person who exercise the option of retiring or resigning to one week's severance for each year that they work up to a maximum of twelve weeks, which is in line with the provisions under the Labour Law for persons whose employment have been terminated by the employer. At least, it is a start. We can work at may be extending this particular provision because I would like to see it where the employee has the option of resigning or retiring and being entitled to, at least, one week for every year that he/she has worked. I think that is only fair because of their contributions over the years.

As I mentioned when I moved the motion in July, these senior citizens were the pillars of our society. They, the females, were the ones manning the community and the men went to sea in order to support their families. They established the foundation that we have built on in this country and the standard of living that we enjoy in these beautiful Cayman Islands.

So, once again I want to say thanks to the minister for the professional way in which she dealt with this matter. She was prompt, efficient and has a sensitive manner in which she has dealt with this amendment.

I also want to say thanks to my two colleagues, the Fourth Member from George Town and the First Elected Member from West Bay who seconded my motion and amended the motion by the time it was presented.

So, thank you, Mr. Speaker.

**The Speaker:** The floor is open to debate.

The Fourth Elected Member for George Town.

**Dr. Frank McField:** I rise just to briefly say that I too would like to congratulate the honourable Minister of Community Affairs for her prompt attention to this matter and several other labour matters.

I feel that at a time when we are talking about the core principle of our society—being that of caring and sharing, and when the government has embarked upon action to give pension to retired seaman, we see also that large number of women, in particular, in the hotel industry would be without anything or any consideration for the long years that they have worked.

There are situations that suggest that some women have worked beyond 16-20 years. And because of the time in which they started their employment, and the time in which they will be ending their work life, they would not be benefiting in anyway from the very delayed pension legislation which came into effect in 1997.

Mr. Speaker, I think that this is a small gesture but nevertheless, I think, it goes to show where the heart of the Third Elected Member from West Bay really is with regard to working people—since he was the one who originally brought the motion to my attention and who was the mover of the motion, both in filing it and bringing it to the floor of the House. I hope that he is recognised when the people go to the polls for what he has done for working people and I certainly must give him credit for the in-depth thought which he gives to the motions which he brings to this House. I had the feeling at one point that he had a little angel working miracles for him to make sure that he gets back in here.

Thank you very much.

**The Chairman:** Does any other member wish to speak?

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I am glad for the attempt here for this piece of legislation and I would like to say it is not a new idea because this is the same matter that I was hammered for in 1995 when only the Elected Member for North Side agreed with me to have this type of amendment put into the Labour Law. The country will remember the Chamber of Commerce came down like a hammer, called a meeting at the Grand Pavilion, summoned me without a summons, carried me there, tried me, found me guilty and the National Team sentenced me. So, we did not get it for a whole five years.

All those people who worked in the tourism sector, that worked in the various supermarkets and various other places of business became of age and all they got was a wristwatch, a tap on the shoulder and if they got to that age and grumbled they were let go without anything.

So, it is not new and I am glad that natural justice is taking place—this is what a country should do. This comes late and rushed. If the legislation is left the way it is, from where I am thinking, no one would qualify. That is what happens when you rush legislation. I feel strongly that we should be able to come back on Wednesday morning and deal with this from an in-depth point of view.

The minister, herself, is like a trained legal mind, so she would be able to clarify quite easily the different queries that were made by the First Member from George Town. She said already that she would do that at committee stage.

For too long people in this country work and are taken advantage of. I am one of those who believes that legislation should be put in place to assist, rather than have bickering in the workplace. That is my position today and it has always been my position.

It is a happy day for me too, and I thank the mover of the motion and the mover of the Bill now, but how much happier I would have been if all those people who suffered for the five years would have been assisted.

So, I thank the minister for bringing the legislation although, as I said, we have this serious query here and hopefully hear from her at the end to clarify the matter.

**The Speaker:** The floor is open to debate. Does any member wish to speak? If no other member wishes to speak, does the honourable mover wish to exercise her right of reply?

The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** I would like to thank all honourable members who supported in part or in full the amendment now before this honourable House. I should also like to take a brief moment to perhaps clarify the inquiry that was made by the First Elected Member from George Town and the First Elected Member from West Bay.

Mr. Speaker, when one takes an analytical look at section 46(1)(3) which reads “**an employee who is not entitled to a pension under the National Pensions Law (2000 Revision)**” and cross references it with section 25(4) which deals with membership and eligibility for membership under the National Pensions Law (2000 Revision) we would see, sir, that it says, [section 25]:

**(1)“Subject to subsection (2) of section 25, all employees between the age of eighteen years and sixty years shall be members of a pension plan.**

**“(2) Employers who are not required to provide pension plans, or to contribute to pension plans for the benefit of employees who do not have Caymanian status, or who are not permanent residents within the meaning of the Immigration Law (1997 Revision) and who in either case-**

- (a) have been working in the Islands for a continuous period of nine months or less; or**
- (b) are employed to do housework in private residences.**

**“(3) Every self-employed person shall either be a member of an approved pension plan or shall contribute to an individual retirement account with an approved provider.”**

So, this would catch the persons that we intended to, as I understand it, being those persons over the age of 60 and therefore ineligible to fall within the pension plan. I thank you.

**The Speaker:** I shall now put the question that a Bill entitled the Labour (Amendment) Bill 2000 be given a Second Reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE LABOUR (AMENDMENT) BILL 2000 GIVEN A SECOND READING.**

**The Speaker:** The House will now go into Committee to consider a bill entitled the Labour (Amendment) Bill 2000.

#### HOUSE IN COMMITTEE AT 6.58 PM

#### COMMITTEE ON BILL

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

Would the Clerk please read the Bill?

#### THE LABOUR (AMENDMENT) BILL 2000

**The Clerk:** The Labour (Amendment) Bill 2000.

Clause 1: Short title.

Clause 2: Amendment to the Labour Law (2000 Revision)—Insertion of Part 5(A).

Clause 3: Amendment of section 74—Enforcement of award of director.

**The Chairman:** The question is that Clauses 1 through 3 do stand part of the Bill. It is open to debate.

The Elected Member for North Side.

**Mrs. Edna Moyle:** Mr. Chairman, if I could ask one quick question of the minister . . . I think she just read out the people that were not entitled to a pension under the National Pensions Law and that included domestic helpers. Are the domestic helpers now entitled once they reach this age, since they are not entitled to a pension?

**The Chairman:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Thank you. As I understand it, the intent is that providing they are over the age of 60 they would. And it was felt by the government that if a domestic helper had contributed or worked for that period of time then we would not seek to not have them have this benefit.

**The Chairman:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you. Again, just to clarify: Mr. Chairman, the way it is worded, it says, “. . . **is not entitled to a pension**” . . . A domestic does not have to be over 60 not to be entitled . . . It says, “**An employee who has worked with his** [and I am assuming when it says *his*, it means *her* as well] **employer for a period of one year or more and voluntarily retires or resigns from such employment and is not entitled to a pension.**”

The way that reads then, if domestics are entitled, what it means is that once a domestic works for one year or more, the domestic is entitled to this benefit. Again—unless I am not understanding it correctly.

**The Chairman:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** That in fact is the correct position. But if honourable members feel that they would like to amend that particular one dealing with the domestics—because there has been a lot of debate under the Pensions Law—then we can do that at the Committee stage. But as it reads now, domestics would get one week for every twelve-month period that they work.

**Mr. D. Kurt Tibbetts:** Was that the intent when it was done?

**Hon. Julianna O'Connor-Connolly:** The intent was after 60 years.

**Mr. D. Kurt Tibbetts:** Well, if that was the intent what are we going to do about it?

**Hon. Julianna O'Connor-Connolly:** I was trying to convey that just then that if other honourable members are happy with that then I would so move that—

**Mr. D. Kurt Tibbetts:** If I may, Mr. Chairman, please.

**The Chairman:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I would crave for the honourable minister to understand what I am trying to say. I would not like to deal with this, committee stage or not, unless I

have clearly before me what the intention of the Bill was that the government wants. I am not trying to be funny. All I am trying to say is that I think, with the greatest of respect for the honourable minister to be asking the members about it, she should say what the government intends with the Bill and do whatever has to be done about that to see if that is what is acceptable. I don't mean to be funny.

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Perhaps the House would be so kind as to give the government just about two minutes to have discussions and come back. We could actually stay in the Chamber if we wish.

**The Chairman:** Would it be imposing on members if I ask you to remain seated while the government does its deliberations?

**Mr. W. McKeever Bush:** As long as they don't take another hour!

**The Chairman:** That is what I am trying to avoid.

**Mrs. Edna Moyle:** Mr. Chairman.

**The Chairman:** The Elected Member for North Side, please go ahead.

**Mrs. Edna Moyle:** Could I just ask the honourable minister before she goes into discussion with government, if the motion refers to an employee who is 60 years and over, who has worked with his/her employer for a period of one year and voluntarily retires and is not entitled to a pension . . . did the motion say 60 years and over?

**The Chairman:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** It says: “**Be it therefore resolved that Government consider amending Part V of the Labour Law to accommodate:**

- (i) **The voluntary retirement of employees who have worked a minimum of one year and do not qualify for a pension entitlement under the Pensions Law (1999 Revision) with a retirement and/or resignation entitlement of one week's wages at the employee's latest basic wage, for each twelve month period of his employment with his employer; and**
- (ii) **In case of part-time employees, their retirement entitlement shall be calculated on the basis of the ratio that their actual hours of employment bear to the standard work week.”**

*[Pause for Government's two-minute discussion]*



**The Chairman:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Thank you, Mr. Chairman. After further deliberation on the government side I wish to move the following amendment to section 46A(1) which would be inserted immediately after the words "**An employee.**"

It would then read, "**An employee other than a person specified in section 25(2)(b) of the National Pension Law (Revision) 2000; and.**"

Would you like me to repeat that?

After the word "**employee**" that appears in the first line of section 46A(1) the words "**other than a person specified in Section 25(2)(b) of the National Pension Law (Revision) 2000 and who**" and it continues as the original Bill.

[Members' discussions ]

**The Chairman:** The question is that Clause 2 be amended.

**Mrs. Edna Moyle:** Mr. Chairman, if I could interrupt, sir, would you allow us to get a copy of the Pension Law so we can see exactly what we are talking about in section 25(2)(b), please?

**The Chairman:** Certainly, you can do that real quick.

**Mrs. Edna Moyle:** The Serjeant has gone to get that.

**Hon. Julianna O'Connor-Connolly:** Mr. Speaker, perhaps I can facilitate that section. Section 25(2)(b) reads: "**are employed to do housework in private residences.**"

**The Chairman:** In the interest of time I shall put the question that clause 1 do stand part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 1 PASSED.**

**The Chairman:** Clause 2 as amended.

**The Clerk:** By the insertion in the new part 5(A), 46(A)(1) of the words, "**other than a person specified in Section 25(2)(B) of the National Pensions Law 2000 (Revision)**" and that is between the words, "**employee**" and "**who.**"

**The Chairman:** The question is that Clause 2 as per the amendment read out is open to debate.

Is there any debate?

**Mr. D. Kurt Tibbetts:** Yes, sir.

**The Chairman:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Chairman, as the honourable minister has just said, section 25(2) reads, "**Employers are not required to provide pension plans, or to contribute to pension plans, for the benefit of employees who do not have Caymanian status or who are not permanent residence within the meaning of the Immigration Law (1997 Revision) and who, in either case- (b) are employed to do housework in private residences.**"

So, the amendment that is being put forward by the government which will cause section 46(A)(1) to read, if I am hearing it correctly now: "**An employee other than a person specified in Section 25(2)(B) of the National Pensions Law 2000 (Revision) and who is not entitled to a pension under the National Pensions Law.**"

Does this mean then that it totally negates any benefits in this section for domestics?

**The Chairman:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Mr. Chairman, what this amendment means is that it is now being kept on par as what was approved in the National Pensions Law 2000 (Revision).

**Mr. D. Kurt Tibbetts:** Which is?

Mr. Chairman, I want to be very clear about this and let me try to rephrase it.

Section 25(2)(B) relates to persons who are employed to do housework in private residences who are what we call domestics. I don't think there is any mistake about that identity.

This new amendment that is being put forward exclude such persons. Is that the case?

**Hon. Julianna O'Connor-Connolly:** This new amendment as put forward by the government excludes such persons as was done in the National Pensions Law.

**Mr. D. Kurt Tibbetts:** So, Mr. Chairman, it is clearly that the original intention was not to include domestics?

**Hon. Julianna O'Connor-Connolly:** The government after taking due and reasonable consideration came to the conclusion that this amendment was in the best interest of the country at the time. Suffice to say if that is not an acceptable view then any other contrary expression or view could be moved at this stage and then the government would still maintain that position, sir.

**Mr. D. Kurt Tibbetts:** Mr. Chairman, I just wanted to make it very clear because I got the impression from what was said at the very beginning that the position of the government was to include domestics who had

worked for a certain period of time who fell into the category of these older folks over 60 years. This amendment excludes all. That is all I want to make clear because I heard the position one way and now I am hearing it in another way. I just want to make it very clear.

**The Chairman:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** The First Elected Member from George Town is correct in his deductive reasoning.

**The Chairman:** Are there any further debates?  
The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I just want to ask a question again because this is all brand new to us this afternoon. Understanding the amendment, I am not going back to the amendment now.

What happens—and I am using two scenarios—if there is a person who is not entitled to a pension under the National Pensions Law because that person is over 60 years old (which is how the Law reads), and while that person is not eligible because of that, the employer, understanding the person's position, has offered to still pay into the pension plan during this portion of time that the person continues working. It could be a scenario that it is just the employer doing it, or it could be the usual way where the employer pays in and the employee matches that.

Even though this may be the case, what we are saying is that if that is the case this situation would still obtain. I am only asking because I am wondering whether there are people who may be in that category . . . and it depends on how long the person works. I am not suggesting that this is the rule; this may well be the exception. I am only asking if that is the intention of the government because perhaps there are only a few persons. I just wanted to know.

**The Chairman:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** If I followed correctly what the honourable member was saying, it's that this benefit or this entitlement would only kick in if the person chooses to resign or retire. And if it was the situation as he outlined—and I think I understand it—if one was getting voluntarily, either a contributory or fully paid by the employer, then there would be absolutely no reason to want to resign for this benefit when you are getting a much better prolonged benefit. This only kicks in if you resign or if you retire.

**Mr. D. Kurt Tibbetts:** Yes, but at some point in time they are going to retire. So all I am saying is that if the benefits are accruing during that period of time, I just want to make sure that it means that the person is entitled not only to what is happening outside of the requirements of

the law but also this. That is all I wanted to find out—just wanted to make sure.

**Hon. Julianna O'Connor-Connolly:** If the person is getting a pension he would not be entitled to this benefit which is a supplementary or augmented benefit. And there is nothing preventing the employer at the stage of a dispute arising—if that were the case (which would be the normal set of circumstances) from using that for a mitigating factor. We can find circumstances all along, but that in fact would be, if not an overriding factor, a very strong mitigating factor.

**The Chairman:** The Elected Member for North Side.

**Mrs. Edna Moyle:** This section continues to read, and maybe I am not understanding this because I am not a legal mind. It says, "**it shall be paid by the employer in addition to any other allowance or monies to which he is otherwise entitled.**"

**Hon. Julianna O'Connor-Connolly:** It seems like I am repeating myself but it has to be claimed. The right can be there but you have to claim it and that is why we have the consequential amendments giving you the rights to go to the Labour Director and onto the Tribunal. It is not just an automatic, mandatory disbursement at the end of the period. It has to be something that is claimed at the Labour Department for this right to come. It is similar to the new partnership and the British citizenship that's been ordered. You have to claim it.

**The Chairman:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I hope that the honourable minister does not allow herself to make it anymore complicated than it is.

When we brought this, we already understood—the Third Elected Member from West Bay and I—that there were persons—

**Mr. W. McKeeva Bush:** [*Inaudible comment*]

**Dr. Frank McField:** The point is that we realised there were persons that were tired on the job and were old enough to want to say, "*this is it*" especially people working in the hospitality industry, working in the bedrooms. So, this would just assist them in being able to, as I said in my contribution, leave the job with some benefit that would not occur if they had just walked off the job. Persons who were fired, for instance, would be able to get some benefit.

Now, what this did was to create a problem on the job for conflicts. So, at a particular age we noticed that there was a strain and stress between the management and the employee, because at particular times the employee realised that if he were dismissed he would get certain benefits. Management felt at the same time they would prefer to wait to let the employee walk off the job

so each one was challenging the other. So, it was really bought as an additional benefit that would work in the place of those persons who would not receive pensions.

So, in cases where people are receiving pensions, it would be superior to this particular benefit because . . . how incredible is this benefit? It is only a maximum of eight weeks that the person would be actually paid so it is nothing fantastic here.

Now if there are persons who believe that this benefit should extend to cover other categories of workers, I mean, it is possible to make the amendment and argue that particular case. But as we saw it at that particular time we were dealing with the more immediate situation that we had been confronted with, which was in the hospitality industry dealing with the Caymanian workers. I think it is simple now to understand that that was the motive—that was the intention and that is what we are trying to resolve here.

**The Chairman:** Is there further debate? I shall now put the question that Clause 2 be amended.

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

**AYES.**

**The Speaker:** The Ayes have it. Clause 2 has been amended.

**AGREED: CLAUSE 2 AMENDED.**

**The Chairman:** I shall now put the question that Clause 2 as amended do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: CLAUSE 2, AS AMENDED, PASSED.**

**The Clerk:** Clause 3, amendment of section 74—Enforcement of Award of Director.

**The Chairman:** The question is that Clause 3 do stand part of the Bill. It is open to debate.

No debate? I put the question that Clause 3 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 3 PASSED.**

**The Clerk:** A Bill for a Law to amend the Labour Law (2000 Revision) to provide for the payment of retirement allowances to certain employees; to increase the duties of the director and for incidental and connected purposes.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE TITLE PASSED.**

**The Chairman:** That concludes proceedings in Committee on a bill entitled Labour (Amendment) Bill 2000. The question is that the Committee do now report to the House.

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

**AYES.**

**The Chairman:** The Ayes have it. The House will resume.

#### **HOUSE RESUMED AT 7.35 PM**

**The Speaker:** Please be seated. Proceedings in the House are resumed.

Bills, Reports. The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

### **REPORT ON BILLS**

#### **THE LABOUR (AMENDMENT) BILL 2000**

**Hon. Julianna O'Connor-Connolly:** I beg to report that a Bill for a law to amend the Labour Law 2000 (Revision) to provide payment of retirement allowances to certain employees and for incidental and connective purposes was passed with one amendment.

**The Speaker:** The Bill is accordingly set down for Third Reading.

I would entertain a motion for the suspension of Standing Order 47.

#### **SUSPENSION OF STANDING ORDER 47**

**The Speaker:** The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** I beg to move the suspension of Standing Order 47.

**The Speaker:** Bills, Third Reading

### **THIRD READING**

#### **THE LABOUR (AMENDMENT) BILL 2000**

**The Clerk:** The Labour (Amendment) Bill 2000.

**The Speaker:** The question is that a Bill entitled The Labour (Amendment) Bill 2000 be given a Third Reading and passed.

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

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE LABOUR (AMENDMENT) BILL 2000 GIVEN A THIRD READING AND PASSED.**

**The Speaker:** I will now entertain a motion for the adjournment of this Honourable House.

## ADJOURNMENT

**Hon. Truman M. Boddén:** I move the adjournment of this Honourable House sine die.

**The Speaker:** The Honourable Second Official Member.

**Hon. David F. Ballantyne:** Before that motion is dealt with I feel I have to report to the House on the Select Committee on Immigration and I would wish to make a statement.

**The Speaker:** You may, please continue, the Honourable Second Official Member.

## STATEMENT BY HONOURABLE MEMBER

### ON THE SELECT COMMITTEE OF THE WHOLE HOUSE ON THE IMMIGRATION LAW 1992; THE LOCAL COMPANIES (CONTROL) LAW (1995 REVISION); AND THE TRADE AND BUSINESS LICENSING LAW (1996 REVISION)

**Hon. David F. Ballantyne:** I do so, Mr. Speaker, in connection with Standing Order 74(1) which requires me to report to the House if the work of the Select Committee has not concluded and I so report.

For the information of the public, the Committee has continued its work after obtaining the feedback of the public to its third interim report. The work of the Committee, however, has not concluded and therefore in accordance with Standing Order 74(1) I am required to report that fact to the House.

It is my recommendation as Chairman of the Select Committee that the new government, if it is so minded, and it is entirely a matter for that government, re-establish the committee to carry on the work referred to it. In that event, the draft fourth report of the select committee may provide a suitable point at which to recommence. That is all that I wish to say.

I would however like to thank the members of the select committee and all those who assisted it, in particular, the Chief Immigration Officer and Mr. Bradley among others, the sub-committee, all who contributed to its work. I trust that that work will not have been in vain—

that it will be picked up again in the future. In that event, I would wish the Committee well.

**The Speaker:** Under Standing Order 11(5) and (6), I have agreed that the First Elected Member for West Bay could make a short statement.

The First Elected Member for West Bay.

## RAISING OF PUBLIC MATTER FOR WHICH GOVERNMENT HAS RESPONSIBILITY

*Standing Order 11(5) & (6)*

### PROPERTY IN GOAT YARD, BOATSWAIN BAY

**Mr. W. McKeever Bush:** Mr. Speaker, I rise to speak—and I have notified the minister responsible—about a contentious situation which has arisen in the district of West Bay. It is in regard to property in Goat Yard, an area in Boatswain Bay. It is of such that someone obtained a court order in 1997 to demolish some homes deemed, as they called it, an encroachment over boundary marks.

Again on 3<sup>rd</sup> August, the same people received another threatening letter saying that more homes are going to be bulldozed because of an encroachment.

Mr. Speaker, I am raising this matter here because I have attempted to get Lands and Survey Department and the Environment Department to investigate the matter and try to assist the families in that area with what is a disputed boundary mark and nothing has been done. Homes have been torn down and by the looks of it, there is going to be another attempt.

Mr. Speaker, from the boundary marks I see on the property and on this aerial photograph, it is quite obvious that there are conflicting stories. In other words, there is a shifting of boundaries somehow. I believe that those persons in that area are being taken advantage of because they cannot fight—they do not have the money to fight that person. I believe that the person in question who obtained the court order is attempting to remove them from that area because he feels it will enhance his property value that he has now for sale.

It is time that government steps in here. I, as a representative, have done everything I can. I spoke to the minister and he says that social services, who has just agreed to put in a toilet in that area, has requested some investigation of the boundary marks. I was going to ask him to agree, but he is not here, to have the Department of Planning, the Environment Department and the Lands and Survey Department to get together with us on the matter as quickly as possible as it is an urgent situation. I raise it in this Parliament because I think it is something that they need to move on quickly to see what can be done to rectify this situation.

The Third Elected Member for West Bay and I have put portable toilets there, but now there are none. We had asked the Environment Department before, to put portable toilets in that area, but they did not do it. Social Services is moving as quickly as possible they say, to get Public Works to install those toilets, but there is a court order, the threatening letter for demolition of their homes.

Mr. Speaker, whether it is a shack or whatever, that is their home. They have been on that property for generations, over a hundred years. How did they get into that situation, I don't know, as I only learned of it in recent years. How could someone buy the property around them when in years gone by they had had so much property. They don't seem to know what happened. It is too long for me to tell this parliament. However, I am urging the government not to sit down on this. The same way they can come here and change laws in a matter of minutes and hours, the same way they can sit down and get those departments to work on that situation.

As I have said, I have spoken to the minister and he agrees that something will be done.

**The Speaker:** Does any other member wish to say anything?

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you. Mr. Speaker, I am not going to address what the First Elected Member from West Bay was talking about so perhaps if one of the ministers is going to reply to him, I give way before I speak, sir.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, if you would allow me to say a few words on this particular issue. I agree with the First Elected Member for West Bay. This is a very urgent matter. These persons have been bulldozed and kicked around in that area because they are poor.

I believe that it is only fair that the government pools its resources as far as the department is responsible, to see to it that we come up with some solution that is fair and equitable as far as these persons are concerned.

Mr. Speaker, we did make an effort to put in portable toilets in that area until we could arrange through Social Services, or on our own, to have some toilet facilities built in that area. The proprietor in that area, Mr. Jeff Turner, was advised; he was told what our plans were. After two months, he ordered Environmental Health to pull the toilets, so there is nothing there. It is a very urgent and desperate situation, I think, one that has to be given immediate attention so I do support what the First Elected Member from West Bay had to say with regard to this issue.

**The Speaker:** I cannot allow further debate on that particular subject. If a member of government wishes to reply they may do so. No member wishes to speak.

The First Elected Member for George Town you said you had something to say.

## STATEMENT ON MOTION FOR ADJOURNMENT-UNFINISHED BUSINESS OF HOUSE

**Mr. D. Kurt Tibbetts:** Yes, Mr. Speaker, I wish to speak on the motion for adjournment given by the Minister for Education.

The business of this House is not completed. There are several select committees that will fall away on dissolution of this House and the business is not completed to even the point of making the final report. We have the elections committee and the committee to take input from the public on the review of the dependent territories for which we got notice today that they were seeking to hold committee meetings and I presume we would have to all agree when these committee meetings would take place, sir.

There is a committee on minimum wage and, of course, there is a Standing Order committee. As I mentioned before, there is the committee on amendments to the Elections Law.

Mr. Speaker, what the Honourable Second Official Member just had to do to try to discharge his duty as chairman of the committee, on amendments to the Immigration Law and the Trade and Business Licensing Law (I think that is the name of the committee) is unfortunate. A report was passed out to us to be signed and the normal procedure I would think should have been for us to have gotten together to see whether members could agree on signing off on the report based on the recommendations in the report.

I have no idea. I don't even wish to try to calculate and figure out why the government is taking this position to try to adjourn the House sine die—I think, that is the terminology the minister used—and not allow these committees to report back to the House.

The Honourable Third Official Member also advised us that there would be a meeting of Finance Committee. Unless I am not understanding, the way this thing has to work is that when Finance Committee meets and concludes its business, Finance Committee has to report back to this House. If there is no House I wonder to whom Finance Committee is going to report back to.

Mr. Speaker, I know sir, you wish for the business of this House to be conducted in a manner as expeditiously as possible—but correctly and fairly. If there are things I know not about and methods by which due process can be circumvented, then perhaps I can be guided. But as of now with what I know of the business of the House that is not completed, I cannot for the love of me understand why, if we adjourn today, we don't try to complete the business of the House in whatever manner is reasonable and can be done. If we do what is being put forward, as is my understanding—that is being put forward this evening—what we are doing is leaving much of the business of the House unfinished.

I can only say, because I had discussions with the minister about this, that this is purposely being done for a reason. I know not the reason.

I would crave your guidance, sir, as to the rights of procedure in the manners that I raised. I don't know if any other member wishes to air his dissent, disgust, or disappointment. But for my tenure here, I feel as part and parcel of something that is . . . lame duck is not the right word, but as far as I am concerned it is not doing justice to this parliament. I don't know if you wish to comment on what I have said. I am trying to do this in a manner that is reasonable. I don't know what else will be said, sir, but I certainly am totally dissatisfied with what I see going on at present.

**The Speaker:** As the presiding officer and the Speaker of the House, there is a motion before the House and I have to deal with that before I can deal with another motion. I have no alternative but to deal with motions as they are presented.

The motion before the House is that this Honourable House do now adjourn sine die.

The Elected Member for North Side.

**Mrs. Edna Moyle:** If I may, sir, I would like to join my colleague, the First Elected Member for George Town in voicing my disgust at the way that this parliament is coming to a close without completing its business.

Standing Order 74(1) plainly states, **“Every select committee shall, before the end of the session in which it was appointed, make a report to the House upon matters referred to it and, where a committee finds itself unable to conclude its investigation before the end of the session, it shall so report to the House.”**

Mr. Speaker, we have the Immigration Select Committee. We have the Election Law Committee. We have the House Committee. We have the Business Committee. We have the Standing Orders Committee. We have the Privilege Committee. We have the Register of Interest Committee and we have the White Paper Committee, which under the standing orders it is mandatory that they report before the end of the session that they were appointed.

Under the standing orders, the government is supposed to bring supplementary appropriation bills to this parliament for every Finance Committee meeting that it has to approve financial supplementary. We have not had one since 1993 and I think it would be an injustice to this country to close this parliament down without dealing with the matters that should be dealt with before the parliament is closed.

So, I very clearly do not support the adjournment of this House sine die until at least the reports of these committees are laid on the Table of this parliament.

## TRIBUTES

**The Speaker:** I have stated the position. I have a motion before the floor which I must deal with and as this is the last meeting in the sitting of this parliament prior to a general election, I want to thank all honourable members for their courtesies and tolerance to the Chair.

I would like to thank the Clerk, the Deputy Clerk, the office staff, the Hansard Officers, the Sergeant-at-Arms and Miss Anita for their efficient services they have rendered to us.

I would like further to say that I speak with mixed emotions this afternoon as I bring to an end my career of 20 years as a Member of this Honourable House. I want to thank all honourable members for the courtesies they have shown to me in electing me Speaker in 1996 and the honour of having been able to preside over this honourable House.

May God richly bless each and every one of you.

The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

**Hon. Julianna O'Connor-Connolly:** Thank you. On behalf of the government and the constituents from Cayman Brac and Little Cayman, I too would like to publicly thank you for your years of service and to wish you the very best in whichever way you may choose to go and also to use this as an opportunity for thanking my constituents for entrusting me the privilege of servicing them for these past four years.

I thank you.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, in the midst of all this emotion and bidding of farewells, I would, first of all, like to wish you all the best in whatever endeavour you choose to take upon your leaving the office of Speaker. And, to say on behalf of my colleagues on the Backbench how much we learned and how much we respected your positions. While we did not always agree and see eye to eye with the decisions taken, we always held your rulings and the Chair in a certain parliamentary reverence and dignity. It is indeed an emotional time for you. Your record of twenty years here, is a record to which all of us, perhaps, who have not reached those years would aspire to but realistically realise that the challenges and the possibility of us achieving that and growing greater with every election.

So, Mr. Speaker, that makes your achievement all the more significant and makes you all the more deserving of our respect and good wishes and Godspeed for a long, happy and successful retirement, whatever endeavour you choose.

Mr. Speaker, I need not tell you that a man of your stature will always be welcome in the precincts of this parliament as you have not only earned your welcome but certainly you have earned the respect of those of us who are here and I am sure you will have earned the respect of even those who will be coming in new.

I wanted to, in keeping with an old practice I learned at Mico [Teachers College], say the good things first because it is necessary for me also to register my concern with what I see transpiring.

I listened with keen interest to the Honourable Second Official Member, a gentleman for whom I hold the

highest regard, when he was making a statement explaining his inability to bring the matter of which he was entrusted as Chairman, to a conclusion, which to him would have been satisfactory. I have to wonder why did his colleagues—the elected government—cast him in such an untenable position.

I too have to say that it is indeed strange and a departure from the Westminster style parliamentary democracy that we practise to adjourn the House sine die with so many matters not coming to their natural conclusion. Yet, there is still time for the honourable House to meet and put these matters to rest. I recall vividly four years ago when the government was perhaps in a much better position that these matters which were no less controversial then, than they are now, were wound to their natural conclusion.

Mr. Speaker, as a proponent of parliamentary democracy I have to express my concern about this subversion of the system. I have to say that I take the dimmest view of this and I am chagrined to have to stand here and witness a departure that I thought would never happen in this parliament. I don't know what the reason is; it certainly is not a good one. It sets a bad precedent and it is not in the interest of continuing parliamentary democracy. I am surprised that people who have been entrusted with such a responsibility have been so nonchalant and so arrogant that they would attempt to come to this kind of premature conclusion.

Before I take my seat I want to say that I owe a deep debt of gratitude to my constituents and I have to give my thanks to the Almighty God for sparing my life to see this term come to an end. I shall, God willing, be setting myself up again for election come November as I have announced and I wish for all my honourable colleagues, in spite of all the differences I have held over the four years, God's blessing and good success.

The Cayman Islands are on the verge of perhaps the greatest challenge it has had since the break-up of the Federation and the decision to enter into crown colony government. There are many persons out there who have set themselves up as candidates. The people of this country have always been wise in their political choices and I have no reason to believe that they will be different at this time. While it is true that there is necessity for improvement, I have never been one to believe in change just for the sake of change.

We have to study the way forward. There are many critical choices to be made and while I believe that in a democracy all deserve to be heard. Certainly I will leave the choice and the decisions up to the electorate.

I am happy that I have come from a constituency, which has always demonstrated wise choice and good selection in elections. And, I have no reason to feel that the good people of Bodden Town will be any different this time.

Mr. Speaker, I wish God's richest blessing on the Cayman Islands and his guidance for all those who set themselves up as candidates in this election.

To my colleagues on both sides of the House, I ask for understanding and tolerance, and if I have erred and

wronged any man I shall use this time now to ask for forgiveness and to say that I bear no malice in my heart towards anyone. I look forward when the results are declared, to seeing many old faces back here and continuing the camaraderie. Thank you.

**The Speaker:** The Honourable First Official Member.

**Hon. James M. Ryan:** Thank you, Mr. Speaker.

The Honourable Julianna O'Connor-Connolly, I believe, spoke on behalf of the government but I think she will forgive if I attempt to speak on behalf of the three official members, in particular.

I did not want to lose this opportunity of saying to you, sir, how much we have appreciated your work here and, in particular, your work as the Honourable Speaker of this House. I want to, on behalf of the Honourable Second and Third Official Members and I, wish you God's richest blessing as you retire from this and we trust that God will bless you with health and strength for many more years in whatever endeavours you pursue.

I would like to say this evening that you brought a quiet dignity to the office of Speaker and you leave a challenge to your successor to continue that work.

I want to take this opportunity to say thanks to the staff of the Legislative Department, the Clerk, the Deputy Clerk, all of the staff that have worked behind the scenes who have got us the many things that we demanded and needed at short notice and they were there and rose to the occasion. I must single out the Serjeant-at-Arms who faithfully carried out his duties very ably and always greeted us with a smile. I want this evening to publicly say thanks to him.

Mr. Speaker, I would like to say to all our colleagues who will be seeking to be re-elected, we trust that the election will go well for you. We want you to know that as official members we are non-partisan and we stand ready to work with whomever the country decides to elect. So, we wish you all the best of luck and we trust that the elections will come off fair and safe. We trust there will be no incidents and I believe that all members here will do their best to bring that to a successful conclusion.

Again, I thank you very much.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I also want to wish for you all the best. I trust that your health will continue to improve and that you will enjoy with your family this next period of your life.

Sixteen of your twenty years I have been here. We did not agree on everything but twenty years is a long service and that we must respect. Serving the public is not easy. Sometimes you do good you get kicked for it but the vast majority of times, and that is what is most pleasurable for us, is that the vast majority of people are thankful for the accomplishments.

The Sister Islands have seen tremendous growth and changes in these last twenty years. Your help has

been paramount in that and I believe they appreciate the strides made.

Mr. Speaker, I hope the good Lord will continue to bless you and your family.

I think, sir, that parliament should be operated better. I believe there is need for reform and how we operate business here. I have long said that we need to operate it different—start at 2.00 pm, for instance. We need to cut back on time of speaking even by 50% and I believe that the public would agree with this and would be desirous of this.

Questions need to be answered and I find this the most distressing because as a backbench member or opposition member the only means of information that you have is when you can get it from the floor of this House. It is sad to think that this meeting is being closed and there are still some important questions I have asked which are not answered:

- From the Water Authority, its liquidity position and its accounts;
- The Auditor General's Report;
- The Miami Office of the Cayman Islands Department of Tourism;
- What is happening with the resolve of the House;
- The Pedro Castle criminal investigation.

Mr. Speaker, these are but some. There are questions unanswered for over a year. This is only for this meeting. Parliament in a country cannot be run like that. I cannot blame you. No one can blame you. You are the Speaker you do not set business. Ministers of government must be more diligent in answering questions.

The country faces serious problems from within and internationally, and certainly we have to do our best to see that these islands move forward in a manner that while we might like it, or some people might not like who's in power, that the country moves forward where it satisfies the needs of the people: this means *vision*.

So, I consider that I have served the people of West Bay and these islands honestly and faithfully these past sixteen years. And, I thank the people of West Bay for their confidence in me and for being not only constituents but friends. I could not possibly see everyone who may have wanted to see me when they wanted to see me but I have done what I could for them with the available resources to me.

The past four years have been the greatest test of all. With God's help and the support and sincere prayers of my constituents and friends throughout these islands I have lived through it. I have found in life that if you do good, good will follow. So it is in politics, if you are honest you serve diligently, you attend to the issues and needs of your people with no other agenda, no matter what some people might say or what innuendo is made on you the people in majority will stand by you.

While it has been the test, it has been a let down also because there are many things all my life that I have wanted to see accomplished: some I have started and I know that there are some needed such as housing, training, and some youth work. The same things I fought so

hard to get started with some success but since 1997 have not progressed to the point which is needed and some for which I left plans to do.

So, I would hope that the people will deal accordingly with those who have not accomplished these needs. To say that the Cayman Islands is dead, I don't think that we should allow anyone to say that. We are still vibrant and we still have a long way to go. When I look at some of the accomplishments for West Bay in the past sixteen years I think we have done well. When I look at national accomplishments and the many things I have done in my ministry when I was there and some of the things that the minister who took over after me accomplished, we have done well. It is not fair for anyone to say that all is bad.

Changes, of course, need to be made and I am going to do all I can to see that those changes come about in the representation of the country.

Mr. Speaker, these are exciting times in the Cayman Islands even though we have our share of concerns, as I said, and other problems, we continue to live in a blest country where peace and harmony still reign. The election of 2000 is a decisive one and we could very well look back on it in the years to come to see that it represents a real change in Cayman Islands' history. If the people of West Bay want me, then they have the good sense to send me back.

I won't be hypocritical and wish to see everyone. I certainly cannot do that but I would hope that God will see fit to help those who are best suited to be sent back here. As I said, I cannot be hypocritical and wish everyone a safe passage back here because I am going to do my best to see that some don't get back here.

I want to thank all those members we have worked with, the friendships formed and the new bonds made. I certainly want to say thanks to the staff, the [*Hansard* Officers], the Clerks, [Miss Anita for the meals she helped to prepare], the Serjeant-at-Arms and certainly to thank the reporters and also the security guards for their services given to this parliament. They have all done a tremendous job and I would hope, sir, that the new parliament would see fit to make reform because I believe we need it.

So, Mr. Speaker, to wish you all the best again and to wish for those that I want to see come back, good campaigning. For the rest of them, goodbye and good riddance!

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Let me add my vote of thanks to your. Having served with you, sir, since 1988 and having served here twelve years myself, I want to say that I personally have enjoyed working with you as a member and also as Speaker of this Honourable House.

I thank you personally, sir, for your tolerance. I thank you for your guidance to me as a young member. I wish for you and your family God's continued blessing. I trust that you will enjoy your retirement. I look forward to that day myself one of these days when I can hang up my shingles and enjoy life at a little slower pace.



I also want to say thanks to the people of West Bay for allowing me to serve them for the past twelve years. Let me say, twelve good years. I have thoroughly enjoyed being a representative of my people in West Bay. I think most people will recognise that I have tried during these twelve years to address the issues that have concerned my people. A lot of times I had to deal with those issues even if I had to stand alone.

To my colleagues in the House I want to say that especially in the last eight years, it has been a real privilege being able to serve with each and every one of you. Mr. Speaker, I served between 1988 and 1992 and it really was not the same. There is no period that I can think of that could compare with that particular period. I have really enjoyed working with the colleagues here in the House. It is going to be very difficult over the next six weeks for each and every one of us. I think everybody other than yourself, sir, has declared, or is in the process of declaring his candidacy for re-election. But I want to say God's blessing. I want to say good luck to each and every member and I look forward being returned by the people of West Bay with the continued good blessing of God himself. I look forward to continuing to serve the people not only of West Bay but of this country for a few more years, at least.

I also want to add my thanks to the staff of the Legislative Assembly—I mean *everyone*—for their courtesies and their assistance in every way that has been extended to us as members.

I think despite what some people may think, one of the highest callings in this country is to be elected and serve as a representative of the people. I have thoroughly enjoyed it and I look forward with God's blessing and the support of my people in West Bay to continue to serve them for some time to come. Thank you, sir.

**The Speaker:** Does any other member wish to speak?  
The Elected Member for North Side.

**Mrs. Edna Moyle:** I too join other members to wish you a long and healthy retirement and the best of luck should you be retiring, or should you be going into a new venture.

You always referred to me as *my Deputy* and I would like to say that I enjoyed being your Deputy over the past four years. Maybe we differed on rulings at times, but it made us learn from each other in the end.

To my colleagues I would like to say—When we start the election campaign, let us keep those campaign meetings to the highest level. To my colleagues in this parliament I say, good luck to every one of you because I will be joining you on the election campaign fighting for a seat to represent the district of North Side for the next four years, God willing.

I would like to say thank you to the staff of the Legislative Assembly who have treated every one of us with the highest respect and have done for us things that their job description, should the First Official Member show that to us, were not included but they always did it with a smile.

Mr. Cline Glidden, Snr. I would like to say thank you because he has always been there and willing to assist each and every one of us.

To Miss Anita, who fed us whether Legislative Assembly was in a meeting or not but if we were here or doing some research of just sitting and chatting, Miss Anita was there to prepare a lunch for us.

To the people of North Side, I would like to say thank you for allowing me for the past four years to serve you as your representative in this parliament to which I try to serve to the best of my ability. I would ask that if you see that I have served you and done for you and have not forgotten your district, as you were prior to 1992, to allow me to return to represent you for the next four years.

To my colleagues again, I say, let us keep the election campaign to a high level and let us all come back and represent our constituents.

**The Speaker:** Any other member wishes to speak?

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker. I wish to take this opportunity as most of my other colleagues have done to also offer my best wishes to you on your retirement and to thank you for the way in which you have operated this mixed bunch of personalities of the last four years—the patience and the tolerance that you showed. I am a patient man but I don't know if at times I would have had what I have seen you display over the last four years.

I would like to also thank the staff of this House and my very good friend, Mr. Glidden. As I jokingly said to him yesterday, when so many questions were on the Order Paper that he must have built up some good mileage for travelling between here and Miami or somewhere else. He is really an outstanding individual and it has been a wonderful feeling to know a person as outstanding and dignified and as humble as Mr. Glidden.

I would like to thank God for the opportunity He has given me to serve this Honourable House, my constituents of Bodden Town, my family for putting up with the long hours that I have to, at times, especially during the construction of the Hospital. I would like to thank the staff in my ministry, my very able and capable Permanent Secretary, Miss Bryan; my Senior Assistant Secretary, Mr. Colin Ross; my Assistant Secretary, Miss Betty Ebanks and all the other support staff not only in the Ministry but the departments that I have had the opportunity to work with. They were all wonderful people, very supportive.

I would like to thank all members of this honourable House for the positive support they have given me as a freshman minister coming in, thrown into the deep. But I was always level with them. I thank God for the trust they placed in me and for having my own Caymanians working along with me. I feel that the credit, where these islands have come in certain areas specifically in health

care and other areas, I could not have done it without the wonderful support from all the members of this House.

I would like to thank the *Caymanian Compass* and other media—I see my good friend, Mr. Redman; it is a late night for him. But they have always given, I would say, fair representation to the population on these islands on transactions that have taken place in this honourable House.

As we all know, just a few short weeks remain before the election and I would like to join in wishing all of my colleagues the best. I agree with the member from North Side: Let us, conduct our campaigns with dignity. It's beyond that stage here in Cayman where we have to get into the gutter, character assassination, and other areas. Let us put forward issues to the public. Let us show the public what we have been able to do for them and let us demonstrate by what we have done that we are capable leaders. It has really been a special experience for me in the last four years working with the colleagues here and I wish God's blessings on all.

Thank you.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I would first like to deal with the matter that several members spoke on earlier and that is relating to the motion to adjourn.

Several members have read Standing Order 74(1) and that makes it very clear. I will just refer to that section, it says, “. . . **where a committee finds itself unable to conclude its investigation before the end of the session, it shall so report to the House.**” That is what the duty of the committee is.

There is no standing order that says every committee shall conclude its business. Indeed, Mr. Speaker, as you well know, every legislature dissolves leaving business that is carried on to the next session. The way that is done, sir, is that a motion in the following new assembly will adopt the proceedings of the select committee here.

**Mr. W. McKeeva Bush:** You have to make a report. Truman, you have to make a report!

**Hon. Truman Bodden:** Indeed, some of these select committees have had over twenty meetings during this time. So, the process as I understand it, sir, under the Standing Orders then is simply that if a committee does not finish its business, or is unable to conclude its business, then it makes a report and then the following new meeting will deal with those matters.

#### POINT OF CLARIFICATION

**Mr. W. McKeeva Bush:** On a matter of clarity—

**The Speaker:** Hold on a minute!

**Hon. Truman M. Bodden:** I have not sat down, Mr. Speaker!

**The Speaker:** The First Elected Member for West Bay wait one minute.

*[Addressing the hon. Minister]* Will you give way?

**Hon. Truman M. Bodden:** No, sir, I would like to just finish—

**Mr. W. McKeeva Bush:** No! I knew he was not going to give way. I just wanted to say that it says, “. . . **a committee shall meet and report to the House on its activities at least once a year.**”

**The Speaker:** The Honourable Minister for Education, Aviation and Planning, please continue.

**Hon. Truman M. Bodden:** That is a very good example of the way the standing orders of this House are not followed at times. So, what I am saying is on that point, I don't want to get into any arguments on it because this is the end of the session, in my view, and as I see it in these standing orders it has made provision for where committees do not finish its business and they are carried over to the next period.

Mr. Speaker, I would like to thank you very much for your time as Speaker of this House. For you, sir, I have the utmost respect and I have found you to be a gentleman. You have conducted the business of this House with dignity and extreme ably, and you leave very big shoes to fill if you decide not to fill those yourself, which presumably may still be a possibility. That is your decision. It's never easy in keeping order in the Legislative Assembly and you have done that very ably.

I would also like to thank the Clerk, the Deputy Clerk for their untiring work and also all of the staff including those who have also provided meals over the period. I would especially like to thank the Serjeant-at-Arms who once again is a real gentleman and it has been a very good privilege knowing him throughout the time that I have been here.

I came in the time that you did, sir, many years ago, and we both moved through the early days of the legislature here where things were in some ways somewhat different but once again fulfilling. I too share with you twenty years in this House and sixteen of those an elected minister/member.

Mr. Speaker, the campaign ahead, I would like to join in saying that members should please stick to issues. The public will look back on what is done in this House and draw their conclusions from that as to what are issues and how members have dealt with them. I would urge members to keep their campaigns clean which I pledge to do.

I would like to especially thank all members of this House and I wish them, their families, and also the staff here, God's richest blessings. And to the members who are running ahead, Good luck, with the campaign!

I would like to especially thank the electorate of George Town who have had faith in me over the past twenty-odd years and whom I have represented to the best of my ability. As other members have said, this has not been easy at times but I feel it is our duty to our country.

Lastly, I would like to thank God for bringing us all to this stage where we are still here, still alive and still going on and doing the work of the country. Also, to thank God for the Cayman Islands and its people and may be continue to bless everyone in these lovely islands.

**The Speaker:** Does any other member wish to speak.  
The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I would not allow this opportunity to pass without also joining my colleagues in extending to you the very best on your retirement.

I was fortunate to spend twelve of those twenty years that you have had in the House. I can say that I have found you to be a gentleman. Mr. Speaker, you brought a quiet, but efficient approach and dignity to your job as a representative of your people in the Brac, and also as Speaker of this Honourable House.

My four years from 1996 to 2000 were most eventful. Not only did we have a very busy House but I had the opportunity to represent these islands internationally. I would like to thank the members of that negotiating team, namely (forgive if I mention the names)—the Honourable Mr. George A. McCarthy, who many times led the delegation; the Honourable Attorney General, Mr. David F. Ballantyne, who I found to be a most efficient and knowledgeable man; the Honourable Truman M. Bodden, Leader of Government Business, who also did a fantastic job in representing these Islands; the Honourable Thomas C. Jefferson, who worked very closely in helping us to cement many of the negotiations that we entered into and indeed the Honourable Chief Justice, Mr. Anthony Smellie, for being with us on some of our journeys; also members of the financial industry and members of Executive Council for the support they gave during these very trying times.

Mr. Speaker, had it not been for the very careful negotiations carried out by the Cayman Islands delegations, the Cayman Islands would have now been scrambling to try to get off the OECD list and our position would not have been as well thought of as it is today by the international forum.

I have no regrets for any unfortunate incidents that may have occurred during recent times in my political life. I chalk that all up to experience and I want to wish every member of this honourable House all the very best. I hold no ill will for anyone. I don't know of one person that I could say I hate. It is a word and an emotion that I try to exclude from my life.

I believe that our time in this honourable House could have been much more productive. I take the points that have been raised about much of the work not being completed, but I feel that we as members of this House must share some of the blame for the inefficiencies that

have cropped up many times in this House. The unnecessary long speeches, I, too, agree that the time should be cut by half. What a member cannot say in two hours perhaps is not necessary to be said.

I also feel that we need to tighten up on Question Time in this House. Question Time should be used to elicit information in a very precise and efficient manner and not to make speeches. This is one area I would like to see tightened up in the future if I am fortunate to be returned.

Mr. Speaker, we are now under the throes of another election campaign and I too would join other honourable members in asking that we try to conduct this campaign with dignity and decorum and not by personal attacks. It is not my intention to attack any member, however, I reserve the right to defend myself at all times.

I will not be dealing with personal issues, I repeat. I intend to deal with the issues because there are many, many, many issues facing this country that can employ our time. We do not need to go on the political platform and tear each other apart.

I want to take this opportunity also to thank my people for the opportunity of representing them for twelve years in this honourable House. During that time together with the time I have spent in the civil service I have been able to gain a considerable amount of experience. Together with my experience and my professional knowledge, I hope that I will be given the opportunity for another four years in this House. I see much that needs to be done and I believe that I can assist in getting those matters accomplished.

Mr. Speaker, I have declared as an independent candidate for this election. This means that as in the past I will not get to the stage where I feel I cannot work with any candidate or any member of this House, rather. I feel that when a representative is returned in a general election it is our duty as representatives in this House to work as closely as possible with each other so that we can get the best for our people.

I want to take this opportunity to thank each member of this House, the staff and others for making life so pleasant for us here: from the Clerk down, everyone has endeavoured to make us comfortable and happy in these quarters.

Mr. Speaker, I trust that whoever is returned to this House in November will endeavour to work together in the best interest of the people of these islands. It is important that the five elected members of Council—especially considering the period we have reached in the Cayman Islands, internationally, and in view of the various initiatives facing this country—that we have experienced and knowledgeable people to guide this country over the next four years.

I trust that the people will elect the best talents and most knowledgeable and experienced people possible. I will not be out there telling my constituents who not to vote for. I will be asking them to vote for me and I will leave it to their judgement and their intelligence to decide in my constituency of George Town who else is best able and most capable of representing them.

Again, may I take this opportunity to thank you for guiding this House so ably over the past four years as Speaker. I wish for you and each member of this House God's richest blessings. I trust that I may see many of you back here during the next session of this House. Thank you.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I am sorry to keep you from your desired retirement. I know it is time for all of us to retire at this hour but since I have only spent four years here, and since I cannot tell the people that my experience is great in anything, I would say that I have listened so that I could learn so that at this particular point might say something that does not really offend anyone. I am at the same time a person who believes that if I do pay compliments that somehow the compliments should mean something, not just to the person I am saying it to but to me.

Mr. Speaker, I would say to you that I believe that you an honest man. How do I know that you are an honest man? I think I have made it also your duty to prove to me that you are an honest man. You have done that without any reservation whatsoever and maybe only a freshman would have been so fresh to have wanted you to do such. But because of the particular type of challenges that I gave you and you gave me, we were able to come to a level of understanding of one another which I think, makes it possible for us to part at this time—I, being the better for it, now that I have come to know more about you, your dreams and ideas, as a Caymanian. And, you know more about my dreams and my ideas as a Caymanian. And as these two types of Cayman converged or had the possibility to act themselves out here in this Legislative Assembly, I think, that my impression of the whole situation is that they can co-exist and they can be supportive of one another.

Mr. Speaker, I know that you are going to find nice and exciting things to do because I am sure that you know that politics is not the most exciting thing any man or woman can do. I have cut out a little niche in here for myself and I have done so not because I believe that all the people should not be represented. I try my best to represent all, but I will not be so pretentious as to say that I have the capacity to have this great understanding of the personal needs and the subjective needs of all the people. What I consider to be the needs of the people has also to do with my limited experiences as a person and as a Caymanian. I have based whatever I have done upon that, Mr. Speaker, and I have tried as honestly and as fairly as possible to speak what I believe to be the truth about the people I represent.

Now, I have taken a particular interest and I have been able to express that interest in this Legislative Assembly. The Minister of Labour, for instance, has expressed great tolerance towards that particular interest which I have, which is the interest in the working people in the country. People who I feel have not normally been

represented to the same extent: it is not that persons have not represented them as people, but they have not represented their specific interests as working people, in that we have not talked about them as a specific social and economic group in the society.

I have done this not to divide the society but to bring attention to problems in the society and to ask government to direct resources towards those specific types of people in order that we might get substantial changes in order to preserve the peace and prosperity of our society.

At the end we do agree in those principles that I have worked for and it is just that my approach has been slightly different from perhaps other members. At the end I am also happy to say that there is not one person in here that I could truly say that I hate. There is not one person in here that if he or she is returned that I would have any great difficulties to begin to work with again. There seems to be something strange about politics—we seem to have this seventh sense that tells us: guys, girls, don't treat this as a life and death matter.

So, politics is a little bit like theatre. We know that we are often on the stage but when we come off that stage we realise exactly how human our opponents are, how human we are. When we realise that, we tend to become different, we tend to become sorry, we tend to be come saddened. There were many nights that I slept but felt very disturbed in my sleep; very saddened in my sleep, because I felt I had offended people and I should not have done so. So, to all persons whom I have offended inside the House and outside, let me take this opportunity (for I might not have it again), to apologise to you.

And, Mr. Speaker, to you I say God bless you and may He bless you richly with many happy years. Thank you.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I recognise that it is that time, sir. I just had to smile to myself when I realise that you had not seen me and wondered if I had lost some weight. But I think it would not do justice to the occasion if I did not rise to, first of all, wish you well, sir. I think you tell the tale sometimes of picking me up as a little baby. I kind of think to myself sometimes when I am giving you a hard time that I am glad that I don't remember it because it might prevent me from doing so.

On a serious note I would just like to say to you that the experiences that I have had not only with you as the Speaker but with you as a representative, even when we didn't always agree, have always been experiences that I consider to be learning ones because somehow you had a knack for causing me to stop and think, and for that I am grateful. I know that as you said earlier on—you spoke then with mixed emotions—and perhaps it is easy to understand after twenty years this thing being a great part of your life. I think you will go home and probably at some points in time say that you want to miss it but I

know that you will be happier for it, sir. I think your time has been well spent.

I think the people of Cayman Brac can be justly proud that they afforded you the opportunity to represent them continuously for such a long period of time and I believe that they will understand your not desiring to continue to do so because in every man's life there comes a time to quit. I think you are doing so at a time when no one can say that you were not serving the purpose that was intended for you. So it is always good, and I am sure that it will be for you, when you reminisce in the years to come that you will be able to say that I did not overspend my welcome.

I am sure that all of us here, those of us who might be returned in November, will miss your presence but I do trust that you will visit us and I am certain that none of us who are returned will mind if we hear that little knock on the door in the Common Room because we know that is, Mr. Speaker saying *'May I come in? And if you are talking about me, please, stop now so that I can come in and don't feel uncomfortable'*—that is just a joke, sir.

I would like to say a special thank you to the staff of the Legislative Assembly. Everyone has done so thus far perhaps might even become a bit monotonous but I have to remember the first day I came in here when I was sworn in. I was over-awed by the fact that I had been allowed this great privilege to be a representative of the people.

There has never been a day since then that staff, from the Clerk and the Deputy Clerk who is here now; the girls out front; the good Serjeant-at-Arms, Mr. Cline Glidden, Snr.; Miss Mary and now her replacement . . . I say *Miss Mary* because even though she is not here, I still remember her quite well and she taught Miss Anita very well. I have to say a special thank you to all of those because I can truthfully say that my life thus far in here would have been a lot more uncomfortable had they not been so accommodating.

The Minister of Education always boasts of the fact that he taught, first of all, how to find the food when none was able to be seen. Perhaps, that was fitting too because I always believed that he thought that I consumed more than him but he knows better now—no one can do so better than he can.

Mr. Speaker, it has been a great privilege for me to have served the people of the district of George Town and indeed the Cayman Islands, since November of 1992. I, too, have had my times. I, too, have had my variances with others and their opinions. Perhaps each has his/her own style. I think this is probably the best I have ever been when it comes to saying thank you and those nice words because I never really considered that a part of my job, but I think I can do so now without feeling that I am not serving the purpose that I was here for.

You see, Mr. Speaker, I consider the parliament exactly what I think it should be and each member here should serve the purpose that he or she is here for. I have found myself from the day I have been here as a member of the backbench, considering it to be my job to keep the government on its toes.

That can be uncomfortable for both of us sometimes that is, the government and myself but that is the way the system works and that is what it is called for. I believe that I can safely say that even though, just before I was allowed the opportunity to speak again, I took the government to task for what I consider not to be the right way to handle certain matters, I don't think anyone of them by now take what I say to be on a personal level because it is not. As many arguments as the Leader of Government Business and I have had, he still boasts to his friends how he has me where he wants me because I still cook for him but nevertheless there is no shame there.

Mr. Speaker, I would like to say a special and sincere thank you to the people of the district of George Town for having given me the great privilege to be one of their representatives for the past year. I, too, like others, will probably realise that perfection is not a part of my artillery but I can say—and I can look anyone in the eye—that whatever I have done as a representative in this parliament has been to the best of my ability and with the total interest of the people not only of the district of George Town but the people of these islands at heart.

I, like others, will be contesting a seat in the general elections. I can echo statements made by others also that it is my intention, as is usual, to deal with the campaign at a level that is easily tolerable. I can promise no one that I won't take government's policies, or lack of, or their actions to task; but it certainly won't be anything personal. I make that distinction because while we may wish for everything to be nice and easy and complementary to each other, that is just simply not the way it works. The truth is while we wish to be co-operative—and I think that is good in its general sense—the fact of the matter is, the system under which we operate calls for the government to be held accountable. As long as I am allowed the privilege to represent the people, once I am sitting where I sit now, that is going to be the way that I operate.

I would like to sincerely say to all members that it has been a privilege to work with each and every one, even when we disagree. I have found this to be the most rewarding learning experience of my life at all times, barring done. Simple conversations with people have given me better perspective of many things that I would not have been afforded the privilege to grasp, if I had not had the opportunity of being here.

I can also say that regardless of what the results are in the upcoming elections, I too, would like to consider each and everyone here today as my friend. I mean that sincerely, because to me friendships will be separated from politics and I think it should be like that.

Again, I want to say a special thank you for your guidance over the years. I wish you God speed. I wish your family and yourself a safe retirement and a happy one. I am certain we will have future encounters, sir. Again, I think, the people of the Brac can be justly proud for the twenty years you have been their representative.

**The Speaker:** Honourable members I think everyone has spoken and I crave your indulgence to say just a few more words.

I want to thank every honourable member who spoke, for the very kind words said on my behalf. And I could not leave this seat without saying to the people of Cayman Brac and Little Cayman how much I appreciate the honour they have bestowed upon me in allowing me to serve for five terms in this honourable House. I not only consider and thank you for having voted for me, but for being my friends.

So, honourable members may God richly bless you; I wish for you a good campaign. May God bestow His richest blessings on all the people of the Cayman Islands. God bless the Cayman Islands.

At this time I shall put the question that this honourable House do adjourn sine die. The question is that this House do adjourn sine die. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. This honourable House do now stand adjourned sine die.

**AT 9.14 PM THE HOUSE STOOD ADJOURNED SINE DIE.**